



Section IX

Appendices

- **Ecosystem Management Strategies**
- **Education and Outreach Related Activities**
- **Research and Monitoring Related Activities**
- **Enforcement Related Activities**
- **MBNMS Designation Document**
- **MBNMS Regulations**
- **National Marine Sanctuaries Act**
- **List of Acronyms**

Table of Contents

Appendix A – Ecosystem Management Strategies.....	1
Appendix B – Education and Outreach Related Activities.....	11
Appendix C – Research and Monitoring Related Activities.....	21
Appendix D – Enforcement Related Activities.....	33
Appendix E – MBNMS Designation Document.....	37
Appendix F - MBNMS Regulations.....	49
Appendix G – National Marine Sanctuaries Act.....	77
Appendix H – List of Acronyms.....	101

Appendix A – Ecosystem Management Strategies

Ecosystem Management	
Habitat: Beaches	
Action Plan	Management Strategy
Coastal Development	Coastal Armoring CA-1: Conduct Issue Characterization and Needs Assessment CA-2: Develop and Implement Regional Approach to Coastal Armoring
	Desalination DESAL-2: Develop Facility Siting Guidelines DESAL-3: Identify Environmental Standards for Desalination Facilities
	Harbors & Dredge Disposal HDD-5: Alternative Disposal Sites
	Submerged Cables SC-1: Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection BSP-2: Develop an Interagency Coordination Program
	Introduced Species IS-1: Address Known Pathways of Introduction IS-3: Develop Baseline Information, Research & Monitoring Program
	SIMoN SI-4: Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas MPA-2: Define Conservation Goals/Objectives/Habitats & Resources to be MPA-5: Develop Integrated Management System
Partnerships & Opportunities	Fishing Related Education and Research FER-5: Collect and Distribute Fisheries and Habitat Related Data FER-7: Conduct Public Outreach on Links Between Healthy Ecosystems
	Interpretive Facilities IF-3: Increase Sanctuary-wide Interpretive Signage
Water Quality	Beach Closures and Microbial Contamination BC-1: Enhance Use of Geographic Information Systems (GIS) BC-2: Expand Pathogen and Contamination Research BC-3: Increase Monitoring Network BC-4: Enhance Notification Program BC-5: Increase Source Control Program BC-6: Increase Technical Training for Industry Professionals BC-7: Enhance Public Outreach of Contaminations Sources and Solutions BC-8: Increase and Coordinate Enforcement BC-9: Improve Emergency Response Program
	Water Quality Protection Program Implementation WQPP-3: Collaborate with Regional Urban Runoff Management Efforts WQPP-6: Increase Storm Drain Inspections WQPP-9: Increase Access to Monitoring Data
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance MMST-3: Mitigate Impacts From Shore-Based Activities MMST-4: Mitigate Impacts From Marine Debris

Ecosystem Management	
Habitat: Deep Sea	
Action Plan	Management Strategy
Coastal Development	Harbors & Dredge Disposal HDD-2 Review Offshore Dredge Disposal Activities
	Submerged Cables SC-1 Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection BSP-2 Interagency Coordination Program
	Bottom Trawling Effects on Benthic Habitats BH-2 Assess Trawl Activity BH-6 Identify and Implement Potential Ecosystem Protection
	Davidson Seamount DS-1 Conduct Site Characterization DS-2 Conduct Ecological Processes Investigations DS-3 Develop Resource Protection Program DS-4 Conduct Seamount Education and Outreach Initiatives
	Introduced Species IS-3 Develop Baseline Information, Research & Monitoring Program
	SIMoN SI-4 Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas MPA-2 Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5 Develop Integrated Management System
Partnerships & Opportunities	Interpretive Facilities IF-1 Construct and Operate Visitor Center
	MERITO-2 Community-Based Bilingual Outreach Program
Water Quality	Cruise Ship Discharges CS-1 Increase Outreach and Coordination CS-2 Develop Enforcement and Monitoring Program
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance MMST-1 Mitigate Impacts From Marine Vessels MMST-4 Mitigate Impacts From Marine Debris MMST-6 Assess Impacts From Acoustics MMST-7 Reduce Sea Turtle Disturbance MMST-8 Maintain and Enhance Enforcement

Ecosystem Management	
Habitat: Estuaries	
Action Plan	Management Strategy
Coastal Development	Coastal Armoring CA-2: Develop and Implement Regional Approach to Coastal Armoring
	Desalination DESAL-2: Develop Facility Siting Guidelines
	Harbors & Dredge Disposal HDD-3: Coordinate with Sediment Monitoring and Reduction Programs
	Submerged Cables SC-1: Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection BSP-2: Interagency Coordination Program
	Introduced Species IS-1: Address Known Pathways of Introduction IS-2: Develop Prevention Program for Known Pathways of Introduction IS-3: Develop Baseline Information, Research & Monitoring Program
	SIMoN SI-1: Implement Monitoring Programs Needed to Support Management SI-4: Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas MPA-2: Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5: Develop Integrated Management System
Partnerships & Opportunities	Interpretive Facilities IF-2: Develop Smaller Regional Interpretive Facilities
	Ocean Literacy Strategy OLCB-5: Implement the MBNMS Multicultural Education for Resource Issues Threatening Oceans (MERITO) Program
Water Quality	Beach Closures and Microbial Contamination BC-1: Research BC-2: Monitoring BC-4: Geographic Information System (GIS)
	Water Quality Protection Program Implementation WQPP-16: Establish Agricultural Industry Networks to Address Water WQPP-17: Strengthen Technical Information and Outreach to WQPP-18: Improve Education and Public Relations on Watersheds and WQPP-21: Improve Water Quality Management on Public Lands and WQPP-22: Develop Wetlands and Riparian Corridor Action Plan
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance MMST-1: Mitigate Impacts From Marine Vessels MMST-2: Mitigate Impacts From Low Flying Aircraft MMST-3: Mitigate Impacts From Shore-Based Activities MMST-4: Mitigate Impacts From Marine Debris MMST-8: Maintain and Enhance Enforcement

Ecosystem Management	
Habitat: Kelp Forests	
Action Plan	Management Strategy
Coastal Development	Desalination DESAL-2: Develop Facility Siting Guidelines
	Submerged Cables SC-1: Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection BSP-1: Provide Integrated Data and Information to the Public BSP-2: Interagency Coordination Program
	Introduced Species IS-1: Address Known Pathways of Introduction IS-3: Develop Baseline Information, Research & Monitoring Program
	SIMoN SI-3: Integrate Regional Monitoring Efforts SI-4: Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas MPA-2: Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5: Develop Integrated Management System
Partnerships & Opportunities	Fishing Related Education and Research FER-5: Fisheries Related Data Collection and Distribution
	Interpretive Facilities IF-1: Construct and Operate Visitor Center
	Ocean Literacy Strategy OLCB-5: Implement the MBNMS Multicultural Education For Resource Issues Threatening Oceans (MERITO) Program
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance MMST-1: Mitigate Impacts From Marine Vessels MMST-4: Mitigate Impacts From Marine Debris MMST-5: Evaluate Impacts From Commercial Harvest MMST-8: Maintain and Enhance Enforcement
	Motorized Personal Watercraft MPWC-1: Maintain Motorized Personal Watercraft Zones

Ecosystem Management		
Habitat: Open Ocean		
	Action Plan	Management Strategy
Ecosystem Protection	Introduced Species	IS-3 Develop Baseline Information, Research & Monitoring Program
	SIMoN	SI-4 Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas	MPA-2 Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5 Develop Integrated Management System
Partnerships & Opportunities	Fishing Related Education and Research	FER-5 Fisheries Related Data Collection and Distribution
	Interpretive Facilities	IF-1 Construct and Operate Visitor Center
Water Quality	Cruise Ship Discharges	CS-2 Develop Enforcement and Monitoring Program
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance	MMST-1 Mitigate Impacts From Marine Vessels MMST-4 Mitigate Impacts From Marine Debris

Ecosystem Management	
Habitat: Rocky Shores	
Action Plan	Management Strategy
Coastal Development	Coastal Armoring CA-1 Conduct Issue Characterization and Needs Assessment CA-2 Develop and Implement Regional Approach to Coastal Armoring
	Desalination DESAL-1 Develop and Implement Regional Desalination Program DESAL-2 Develop Facility Siting Guidelines DESAL-3 Identify Environmental Standards for Desalination Facilities DESAL-4 Develop Modeling and Monitoring Program
	Harbors and Dredge Disposal HDD-2 Review Offshore Dredge Disposal Activities
	Submerged Cables SC-1 Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection BSP-1 Provide Integrated Data and Information to the Public BSP-2 Interagency Coordination Program
	Introduced Species IS-1 Address Known Pathways of Introduction IS-2 Develop Prevention Program for Known Pathways of Introduction IS-3 Develop Baseline Information, Research & Monitoring Program
	SIMoN SI-4 Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas MPA-2 Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5 Develop Integrated Management System
Partnerships & Opportunities	Interpretive Facilities IF-3 Increase Sanctuary-Wide Interpretive Signage
	Ocean Literacy Strategy OLCB-5: Implement the MBNMS Multicultural Education for For Resource Issues Threatening Oceans (MERITO) Program
Water Quality	Water Quality Protection Program Implementation WQPP-3 Collaborate with Regional Urban Runoff Management Efforts WQPP-8 Increase Regional Monitoring
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance MMST-4 Mitigate Impacts From Marine Debris MMST-5 Evaluate Impacts From Commercial Harvest MMST-8 Maintain and Enhance Enforcement
	Motorized Personal Watercraft MPWC-1 Maintain Motorized Personal Watercraft Zones
	Tidepool Protection TP-1 Assess the Problem TP-2 Conduct Education and Outreach TP-3 Strengthen Enforcement TP-4 Improve Tracking and Evaluation of Collection and Take TP-5 Consider Limitation on Use in Selected Locations TP-6 Identify Implementation Opportunities TP-7 Address Other Human Activities

Ecosystem Management	
Habitat: Sandy Floor	
Action Plan	Management Strategy
Coastal Development	Harbors and Dredge Disposal HDD-2 Review Offshore Dredge Disposal Activities HDD-3 Coordinate with Sediment Monitoring and Reduction Programs HDD-4 Disposal of Fine-Grained Material
	Submerged Cables SC-1 Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection BSP-2 Interagency Coordination Program
	Bottom Trawling Effects on Benthic Habitats BH-1 Develop Partnerships with Fishermen BH-2 Assess Trawl Activity BH-3 Identify Habitats Vulnerable to Trawling BH-4 Develop a Management Tracking Program BH-5 Develop an Impact Identification and Research Program BH-6 Identify and Implement Potential Ecosystem Protection Measures BH-7 Develop Education and Outreach Program
	Davidson Seamount DS-1 Conduct Site Characterization
	SIMoN SI-4 Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas MPA-2 Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5 Develop Integrated Management System
Partnerships & Opportunities	Fishing Related Education and Research FER-1 Educate About Fisheries Management FER-5 Fisheries Related Data Collection and Distribution FER-6 Collect and Distribute Socioeconomic, Cultural, and Historical Data
	Interpretive Facilities IF-1 Construct and Operate Visitor Center

Ecosystem Management		
Habitat: Seamounts		
	Action Plan	Management Strategy
Coastal Development	Submerged Cables	SC-1: Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Bottom Trawling Effects on Benthic Habitats	BH-2: Assess Trawl Activity BH-6: Identify and Implement Potential Ecosystem Protection Measures
	Davidson Seamount	DS-1: Conduct Site Characterization DS-2: Conduct Ecological Processes Investigations DS-3: Develop Resource Protection Program DS-4: Conduct Seamount Education and Outreach Initiatives
	SIMoN	SI-4: Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas	MPA-2: Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-3: Develop General Design Criteria MPA-4: Determine Types of Use MPA-5: Develop Integrated Management System
Partnerships & Opportunities	Fishing Related Education and Research	FER-2: Enhance Stakeholder and Public Communication
	Interpretive Facilities	IF-2: Develop Smaller Regional Interpretive Facilities
Wildlife Disturbance	Marine Mammal, Seabird and Turtle Disturbance	MMST-4: Mitigate Impacts From Marine Debris

Ecosystem Management		
Habitat: Submarine Canyons		
	Action Plan	Management Strategy
Coastal Development	Harbors and Dredge Disposal	HDD-2: Review Offshore Dredge Disposal Activities HDD-4: Disposal of Fine-Grained Material
	Submerged Cables	SC-1: Identify Routing and Zones for Submerged Cable Projects
Ecosystem Protection	Big Sur Coastal Ecosystem Protection	BSP-2: Interagency Coordination Program
	Bottom Trawling Effects on Benthic Habitats	BH-2: Assess Trawl Activity
	Davidson Seamount	DS-2: Conduct Ecological Processes Investigations
	Introduced Species	IS-3: Develop Baseline Information, Research & Monitoring Program
	SIMoN	SI-4: Integrate, Synthesize, and Analyze New and Existing Data
	Marine Protected Areas	MPA-2: Define Conservation Goals and Objectives and Habitats and Resources to be Protected MPA-5: Develop Integrated Management System
Partnerships & Opportunities	Fishing Related Education and Research	FER-5: Fisheries Related Data Collection and Distribution
	Interpretive Facilities	IF-1: Construct and Operate Visitor Center

Appendix B – Education and Outreach Related Activities

Action Plan	Strategy	Activity	Implementation Timing
Coastal Development Issues			
Coastal Armoring	CA-3: Permit Program Improvements	3.5: Share Information with Other Agencies	Years 1-2
Harbors and Dredge Disposal	HDD-5: Alternative Disposal Methods	5.1: Evaluate Potential Beneficial Usage of Dredged Materials	Years 3-4
Ecosystem Protection Issues			
Big Sur Coastal Ecosystem Coordination	BSP-1: Provide Integrated Data and Information to the Public	1.5: Develop and Implement Process to Keep Public Informed About Website	Years 3-4
	BSP-2: Develop an Interagency Coordination Program	2.2: Facilitate Priority Issue Coordination Task Forces	Years 3-5
Bottom Trawling Effects on Benthic Habitats	BH-1: Develop Partnerships with Fisherman	1.1: Engage Fishermen to Work with the Sanctuary to Address Impacts from Bottom Trawling	Years 1-2
	BH-6: Potential Ecosystem Protection Measures	6.1: Generate Socio-economic profile of Local Trawl Fishery	Years 4-5
	BH-7: Develop Education and Outreach Program	7.1: Define Educational Needs and Develop Outreach Program	Years 2-5
Davidson Seamount	DS-4: Conduct Seamount Education and Outreach Initiatives	4.1: Conduct an Educational Needs Assessment	Years 3-5
		4.2: Develop and Implement Davidson Seamount Education and Outreach Program	Years 3-5
Introduced Species	IS-2: Develop Prevention Program for Known Pathways of Introductions	2.1: Develop and Implement Introduced Species Outreach and Prevention Program	Years 3-5
Marine Protected Areas	MPA-8: Develop Education and Outreach Program	Activity 8.1: Identify Target Audiences and Develop Components of an Effective Education and Outreach Program	Years 3-5
		Activity 8.2: Conduct Regional Workshops to Share Information and Gather Input From Fishing Leaders and the Community After MPA Design Criteria are Determined by Multi-stakeholder Groups	Years 3-5
		Activity 8.3: Consider Ongoing Education potential of individual reserve locations	Years 3-5

Action Plan	Strategy	Activity	Implementation Timing
Operations and Administration			
Operations and Administration	OA-1: Assess Staffing Needs	1.3: Develop a Structured Intern Program	Years 1-2
	OA-2: Develop Volunteer Program	2.3: Provide Volunteer Orientation and Training	Years 2-3
	OA-3: Coordinate and Support Sanctuary Advisory Council	3.11: Assist Working Groups in Defining Each Group's Membership Protocols and Decision-making Protocols	Years 1-5
	OA-5: Conduct Administrative Initiatives	5.13: The MBNMS Education Coordinator Will Continue to Manage the Education Team and Participate in NMSP-wide Activities Relating to Education Including General Outreach Products and Events	Years 1-5
	OA-6: Coordinate and Conduct Boat Operations	6.1: Review and Adopt Boat Operations Guidelines	
	OA-7: Oversee and Conduct Dive Operations	7.3: Improve Outreach Efforts to the Local Dive Community in Order to Foster Collaborative Working Relationships	Years 1-5
	OA-8: Oversee and Conduct Aircraft Operations	8.1: Assess Aircraft Needs Based on the Management Plan Priorities	Years 2-5
	OA-9: Maintain and Enhance Permit Program	9.4: Conduct Outreach to Inform the Public About the Permit Process	Years 1-5
		9.5: Improve Website Information	Years 1-5
	OA-10: Interagency Program Review	10.1: Conduct Outreach to Agencies and Stakeholders	Years 1-5
Partnerships and Opportunities			
Fishing Related Education and Research	FER-1: Educate About Fisheries Management	1.1: Develop Information Identifying MBNMS's Role in Fisheries Issues	Years 2-4
	FER-2: Enhance Stakeholder and Public Communication	2.3: Develop a Communication Plan Between Parties Interested in Education and Research Issues Related to Fishing in the MBNMS	Years 2-4
		2.6: Facilitate Public Forums and Development of Educational Materials for the General Public and Interested Parties to Understand Local Fisheries, Fish Populations and Habitats and the Role of the MBNMS in Protecting the Ecosystem	Years 2-4
	FER-3: Facilitate Sustainable Fisheries Definition and Promotion	3.1: Promote Biological and Socioeconomic Research on Sustainability	Years 2-3
		3.2: Work with Partners to Identify, Promote, and Certify Healthy Fisheries in the MBNMS	Years 2-3
		3.3: Increase Outreach and Awareness of How Sustainability is Assessed	Years 2-3

Action Plan	Strategy	Activity	Implementation Timing
<i>Fishing Related Education and Research cont.</i>	FER-4: Involve Fishermen in Education and Outreach Programs	4.1: Evaluate Existing Outreach Efforts at a Sanctuary Education Panel (SEP) Meeting and Include Input from Fishermen and Other Interested Parties	Years 1-5
		4.2: Develop and Implement Interpretive Signage of Local Fishing Activities at Harbors	Years 1-5
		4.3: Create Fishing Related Exhibits at MBNMS Visitor Center	Years 1-5
		4.4: Develop and Implement Education Program for K-12, “Mariners in the Classroom”	Years 1-5
Interpretive Facilities Action Plan	IF-1: Construct and Operate Visitor Center	1.2: Develop Visitor Center Facilities and Operations Plan	Years 1-3
	IF-3: Sanctuary-Wide Interpretive Signage	3.3: Support Sanctuary-Related Interpretive Trail Projects	Years 1-3
	IF-4: Virtual Experiences	4.1: Expand Virtual Interpretive Opportunities on MBNMS Website	Years 2-3
		4.2: Expand Interpretive Opportunities Using Telepresence Technology	Years 2-3
		4.3: Expand Interpretive Opportunities Using Virtual Education Products	Years 2-3
Ocean Literacy and Constituent Building	OCLB-1: Develop and Implement Constituent Outreach Programs to increase Ocean Literacy	1.1: Offer general ocean awareness programs and sanctuary information	Years 1-5
		1.2: Partner with local and national partners to develop coordinated ocean literacy messages	Years 1-5
		1.3: Increase public awareness of the sanctuary and ocean literacy issues through media exposure and marketing	Years 1-5
	OLCB-2: Develop and Implement a Comprehensive Volunteer Program	2.1: Assessment of volunteer needs within the Sanctuary’s programming	Years 1-5
		2.2: Identify funds and hire a Volunteer Coordinator	Years 1-5
		2.3: Evaluate volunteer recruitment, retention and effectiveness of roles	Years 1-5
	OLCB-3: Create Partnerships with Local Businesses	3.1: Implement partnership opportunities with the restaurant and lodging industries	Years 1-2
		3.2: Explore partnership opportunities with “on-the-water” businesses	Years 1-3
		3.3: Explore additional partnership opportunities with businesses participating in the Water Quality Protection Program or identified in MBNMS Action Plans	Years 1-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Ocean Literacy Action Plan cont.</i>	OLCB-4: Develop and Implement K-12 Education Programs to increase Ocean Literacy	4.1: Develop educational programs and supporting materials for school groups including those visiting MBNMS visitor centers	
		4.2: Provide teacher professional development programs utilizing sanctuary educational materials and promoting ocean literacy	
		4.3: Develop and make available sanctuary educational tools for use in schools	
		4.4: Develop ocean stewardship programming for K-12 students in conjunction with education partners	
	OLCB-5: Implement the MBNMS Multicultural Education for Resources Threatening Oceans (MERITO) Program	5.1: Community-Based Bilingual Outreach Program (After-school program, adult ed, field experiences)	
		5.2: Site-Based Bilingual Outreach Program (Demographic surveys, develop bilingual materials w/partners, support partner events)	
		5.3: Teacher Training and Internship Program	
		5.4: Comprehensive Communications Plan	
		5.5: Integration of Multicultural Elements To Existing MBNMS Programs And Materials	
		5.6: Intra-Sanctuary Expansion of MERITO (CINMS expansion, regional website, expansion to other sanctuaries)	
		5.7: Evaluation of MERITO Programs	
Water Quality Issues			
Beach Closures and Contamination Action Plan	BC-3: Increase Monitoring Network	3.1: Increase Number and Frequency of Beach Sampling	Years 1-2
	BC-4: Enhance Notification Program	4.1: Develop Improved Notification System for User Groups	Years 1-3
	BC-6: Increase Technical Training for Industry Professionals	6.1: Coordinate with Local Jurisdictions to Educate Plumbers, Grease Trap, and Sewer Industry on Proper Cleaning Techniques and Promote Reporting Program	Years 1-3
		6.2: Working through Local Jurisdictions, Utilize Existing, or Adapt New Outreach/Training Modules for Targeted Public Servants	Years 1-3

Action Plan	Strategy	Activity	Implementation Timing
<i>Beach Closures</i> <i>Action Plan cont.</i>		6.3: Develop Spill Response Training Module (See Emergency Response Strategy)	Years 1-3
	BC-7: Enhance Public Outreach of Contamination Sources and Solutions	7.1: Enhance Public’s Understanding of the Importance of Reducing Microbial Contamination, the Sources of Contamination	Years 2-3
		7.2: Develop Coordinated Regional Education Program Building and Expanding on Existing Materials and Efforts	Years 2-3
Cruise Ship Discharges	CS-1: Outreach and Coordination	1.1: Develop and Implement an Outreach Plan to Address Cruise Line Industry, Regulatory Agencies, and General Public	Years 1-2
		1.4: Partner to Cruise Line Industry to Develop MBNMS Outreach Materials and Supplies	Years 1-2
		1.5: Collaborate with Sightseeing Tour Operators, to Incorporate Sanctuary Information and Messages to Shore Based Tourists	Years 1-2
Water Quality Protection Program Implementation	WQPP-1: Public Education and Outreach	1.1: Update and Reprint Existing Educational Materials	Years 1-5
		1.2: Broaden Distribution of Existing Outreach Materials and Programs	Years 1-5
		1.4: Expand Outreach to the Hispanic Population in Coordination with MERITO	Years 1-5
	WQPP-2: Technical Training	2.1: Update and Expand Training Materials	Years 1-5
		2.2: Continue Regional and On-site Urban Training Workshops	Years 1-5
		2.3: Develop and Conduct Training Workshops with Developers	Years 1-5
	WQPP-3: Regional Urban Runoff Management	3.2: Facilitate the Development of Regional Stormwater Programs	Years 1-5
	WQPP-6: Storm Drain Inspection	6.1: Continue and Expand First Flush and Urban Watch Monitoring Programs	Years 1-2
	WQPP-7: CEQA Additions	7.2: Provide Accompanying Training Materials and Workshops	Years 1-2
	WQPP-8: Regional Monitoring	8.4: Improve Public Awareness of Monitoring Efforts	Years 1-5
	WQPP-9: Data Access	9.3: Improve Packaging and Distribution of Data to Decision-makers and the Public	Years 1-2
WQPP-10: Interagency Coordination	10.4: Summarize WQPP Implementation	Years 1-5	
WQPP-11: Public Education and Outreach	11.1: Sustain and Develop One-on-One Boater Outreach Programs	Years 1-5	

Action Plan	Strategy	Activity	Implementation Timing
<i>Water Quality cont'd.</i>	WQPP-13: Bilge Waste Disposal and Waste Oil Recovery	13.1: Develop Incentives and Promotions to Encourage Facility Use	Years 1-2
	WQPP-14: Topside and Haul-out Vessel Maintenance	14.5: Review Policies Regarding Work in Slips/ Parking Lots	Years 2-3
	WQPP-15: Underwater Hull Maintenance	15.2: Initiate Guidelines and Trainings for Hull Cleaning	Years 1-5
	WQPP-16: Establish Agricultural Industry Networks to Address Water Quality	16.3: Implement Nonpoint Source Management Practices Using Industry-led Watershed Groups	Years 1-2
	WQPP-17: Strengthen Technical Information and Outreach to Agriculture	17.5: Strengthen Grower/Rancher Peer Advisory Networks to Share Conservation Information Among Peers, Including Outreach to Both Landowners And Tenants	Years 1-2
	WQPP-18: Improve Education and Public Relations on Watersheds and Agricultural Conservation Measures	18.1: Increase Public Knowledge of and Support for Agriculture and Agricultural Conservation Measures through Media and Outreach	Years 1-2
		18.2: Increase Grower and Public Awareness of Watershed-Based Management by Incorporating Watershed Message into Existing Programs and Conducting Media and Outreach	Years 1-2
	WQPP 19: Coordinate and Streamline Regulations for Conservation Projects	19.1: Develop User-Friendly Permit Guidebooks	Years 2-3
	19.3: Improve Collaborative Efforts Between Regulatory Enforcement Agencies and Landowners	Years 2-3	
Wildlife Disturbance Issues			
Marine Mammal, Seabird and Turtle Disturbance	MMST-1: Mitigate Impacts From Marine Vessels	1.1: Find, Modify, and Develop Wildlife Viewing Guidelines	Years 3-5
		1.2: Continue and Strengthen MBNMS Team Ocean Kayak Program	Years 3-5
		1.3: Develop Informational Cards with Guidelines for Viewing Marine Species from Kayaks	Years 3-5
		1.4: Conduct Outreach and Promotion of Wildlife Viewing Guidelines to Private Boaters	Years 3-5
		1.5: Continue Outreach and Promotion of Wildlife Viewing Guidelines to Whale Watching Vessels	Years 3-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Marine Mammal Seabird and Turtle Disturbance cont'd.</i>	MMST-2: Mitigate Impacts from Low Flying Aircraft	2.3: Continue Outreach to Pilots	Years 3-4
		2.4: Conduct Outreach with Film Commission	Years 3-4
	MMST-3: Mitigate Impacts From Shore Based Activities	3.2: Support Outreach Activities	Years 3-5
	MMST-4: Mitigate Impacts from Marine Debris	4.1: Coordinate with the Work Done by the California Coastal Commission, Conduct Education and Outreach Programs to Illustrate the Impact of Marine Debris	Years 4-5
		4.3: Increase Education Regarding Impacts of Lost Balloons	Years 4-5
	MMST-5: Consider Impacts Commercial Harvest	5.1: Evaluate Levels of Disturbance and Identify Solutions	Years 3-5
	MMST-6: Assess Impacts from Acoustics	6.1: Expand Research and Monitoring of Acoustics in Marine Environment	Years 3-5
	MMST-7: Reduce Sea Turtle Disturbance	7.1: Assess Levels of Sea Turtle Disturbance in MBNMS	Years 3-4
MMST-8: Maintain and Enhance Enforcement	8.2: Conduct Outreach to Increase Knowledge of MBNMS Regulations and Contact Information	Years 1-5	
Motorized Personal Watercraft Action Plan	MPWC-3: Conduct Educational Outreach to MPWC Community	3.1: Update and Maintain Interpretive Materials (e.g. signs, brochures, videos)	Years 1-2
		3.2: Update Interpretive Methods (e.g. presentations, dock walkers, sign placement, information distribution)	Years 1-2
		3.3: Coordinate with GFNMS to Maintain the MBNMS NOAA Weather Kiosk at Pillar Point Harbor Launch Ramp for Use By MPWC Operators, Surfers, Boaters, Fishermen, etc.	Years 1-2
		3.4: Install A Link on the Front Page of the MBNMS and the GFNMS Website for Instant Access to Real-Time Weather and Oceanographic Data from the National Weather Service and National Data Buoy Center (Contingent on MPWC Permitting Program)	Years 1-2
Tidepool Protection Action Plan	TP-1: Assess the Problem	1.5: Ensure Researchers Understand Key Priorities and Information Needs of Managers	Years 4-5
	TP-2: Conduct Education and Outreach	2.1: Develop Appropriate Education and Outreach	Years 4-5
		2.2: Strengthen Education about Tidepool Etiquette	Years 4-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Tidepool Protection cont'd.</i>		2.3: Consider Potential for Hands-on Exhibits or Live Display Tables	Years 4-5
		2.4: Develop Pre-Visit Education about Tidepool Etiquette	Years 4-5
	TP-5: Consider Limitation on Use in Selected Locations	5.1: Develop Criteria for Determining Limited Use of Tidepools and Rank Sites	Years 4-5
Cross Cutting Issues			
Administration and Operations Plan	XAO-1: Improve Internal Communications Among the Three Sanctuaries	1.4: Program Coordinators will Meet Separately at Least Once Per year to Share Information and Plan Joint Activities Prior to the Development of the Annual Operating Plan	Years 1-5
	XAO-2: Improve the Efficiency and Cost-effectiveness of Program Operations	2.1: Develop a List of Existing Facilities, Signage, Exhibits, Equipment, Vessels, and Resources Based on the Revised Management plans that could be Shared Between Sites	Years 1-2
		2.2: Develop a List of Needed facilities, Signage, Exhibits, Equipment, Vessels and Resources Based on the Revised Management Plans that could be Shared Between Sites	Years 1-2
	XAO-3: Program Administration Improvements	3.3: Build Upon Existing Efforts to Share Information Technology (IT) Resources	Years 1-2
Community Outreach	XCO-1: Build Upon and Expand Ocean and Coastal Outreach	1.1: Develop or strengthen coordinated outreach programs and opportunities, such as Public Service Announcements, Issue-specific Workshops and Brochures (e.g. Tidepool Etiquette), Docent Programs, Signage, Learning Centers, or Exhibits and Displays at Community Events	Years 2-3
		1.2: Plan and Conduct Regional Sanctuary Outreach Events to Promote the Importance of Monitoring, Disseminate Monitoring Data, and Improve Understanding of Marine Conservation and Management	Years 2-3
		1.4: Identify and Partner with External Programs to Incorporate Sanctuary-related Messages	Years 2-4
	XCO-2: Enhance and Coordinate Ocean and Coastal Education	2.1: Collaborate on Existing Site-specific Education Programs and Products as a Means to Enhance and Expand Educational Offerings	Years 2-4
		2.2: Increase Multicultural/ Multilingual Efforts Based on Needs Assessments to Determine other Multicultural, Socio-economic, or Multilingual Communities (Vietnamese, Chinese, Portuguese, Italian, etc.) and their Interests	Years 3-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Community Outreach cont'd.</i>		2.3: Identify and Implement New Education Programs that can be Developed Jointly	Years 1-2
	XCO-3: Ocean/ Coastal Stewardship	3.2: Create Alternative Ways to Inspire Coastal and Ocean Stewardship	Years 1-5
Maritime Heritage	XHMR-2: Inventory and Assess Submerged Sites	2.1: Establish External Partnerships to Inventory Potential Shipwreck Sites with other Federal, State, and Local Agencies as well as Vocational Archaeologists, Commercial Divers and Fishermen, and Recreational Divers	Years 2-3
		2.4: Assess and Nominate Appropriate Submerged Archaeological Sites for Inclusion to the National Register of Historic Places	Years 4-5
	XHMR-4: Protect and Manage Submerged Archaeological Resources	4.2: Provide Training to Sanctuary Staff and Facilitate Training for Partners	Years 4-5
	XMHR-5: Conduct Public Outreach with Traditional User and Ocean Dependent	5.1: Identify Traditional User and Ocean Dependent Groups	Years 3-4
		5.2: Develop Collaborative Programs and Initiatives	Years 4-5
		5.3: Create an Inventory of Historic and Present Maritime Heritage Communities	Years 4-5
	XMHR-6: Establish Maritime Heritage Focused Education and Outreach Programs	6.1: Improve Information Sharing and Dialogue	Years 3-5
		6.3: Develop and Implement Education and Outreach Programs and Materials for the Maritime Heritage Program	Years 1-5
		6.4: Collaborate on Maritime Heritage Resource Exhibits and Signage	Years 1-5

Appendix C – Research and Monitoring Related Activities

Action Plan	Strategy	Activity	Implementation Timing
Coastal Development Issues			
Coastal Armoring	CA-1: Conduct Issue Characterization and Needs Assessment	1.1: Produce MBNMS-wide Maps and Database for use as Planning and Permit Review Tools	Years 1-5
		1.2: Compile and Analyze Ecological and Socioeconomic Data	Years 1-5
		1.4: Develop and Implement a Long-term Monitoring Program	Years 1-5
	CA-2: Develop and Implement Regional Approach to Coastal Armoring	2.8: Pursue Pilot Program for Alternatives to Coastal Armoring	Years 2-4
Desalination	DESAL-2: Facility Siting Guidelines	2.1: Identify Preferred Conditions and Habitats	Years 2-3
	DESAL-4: Modeling and Monitoring Program	4.2: Identify Minimum Information Required for Project Application	Years 3-4
		4.4: Determine Cumulative Impacts from Multiple Facilities	Years 3-4
Harbors and Dredge Disposal	HDD-2: Review Offshore Dredge Disposal Activities	2.3: Review Dredge Disposal Activities and Evaluate Redefinition of SF-12 (Moss Landing)	Years 1-2
		2.4: Coordinate with GFNMS in Evaluation of Dredge Disposal Site for Pillar Point Harbor	Years 1-2
	HDD-3: Sediment Monitoring and Reduction Program	3.1: Assess Changes in Aquatic Disposal Volumes	Years 3-5
		3.4: Monitor Coastal and Estuarine and Sediment Flow	Years 3-5
	HDD-5: Alternative Disposal Methods	5.1: Evaluate Potential Beneficial Usage of Dredged Materials	Years 3-4
Submerged Cables	SC-1: Routing and Zones for Submerged Cable Projects	1.1: Identify Environmentally Sensitive Areas	Years 1-2
	SC-2: Submerged Cable Project Permit Guidelines	2.1: Refine and Implement Permit Pathway and Applicant Guidelines	Years 1-2
		2.2: Identify Development Standards	Years 1-2
Ecosystem Protection Issues			

Action Plan	Strategy	Activity	Implementation Timing
Big Sur Coastal Ecosystem Coordination	BSP-1: Provide Integrated Data and Information to the Public	1.1: Create Multi Agency Website for Big Sur Region	Years 3-4
		1.2: Provide Online Access for Planning Documents	Years 3-4
		1.3: Develop Integrated GIS Database for Big Sur Coastal and Marine Resource Management	Years 3-4
		1.4: Update Website as Agencies Update Plans and Programs	Years 3-4
		1.5: Develop and Implement Process to Keep Public Informed About Website	Years 3-4
		1.6: Attend and Participate in the Big Sur Multi-Agency Advisory Council (MAAC)	Years 3-4
	BSP-2: Develop Interagency Coordination Program	2.2: Facilitate Priority Issue Coordination Task Forces	Years 3-5
Bottom Trawling Effects on Benthic Habitats	BH-2: Assess Trawl Activity	2.1: Compile Fishing Data	Years 1-3
		2.3: Improve Data Gathering	Years 1-3
	BH-3: Identify Habitats Vulnerable to Trawling	3.1: Consult Literature and Scientists to Develop Criteria for Selecting and Prioritizing Habitats Vulnerable to Effects of Bottom Trawling	Years 1-3
		3.2: Consult with Local Scientists, Fishermen, and Primary Literature to Determine What and Where Vulnerable Habitats are Located	Years 1-3
		3.3: Gather Existing Data on Habitat Distribution and Incorporate into GIS Format	Years 1-3
		3.4: Evaluate the Need for and Develop Strategy to Obtain Additional Habitat Distribution Data if Necessary	Years 1-3
	BH-4: Develop Management Tracking Program	4.1: Compile Database of Regulations and Restrictions	Years 1-3
	BH-5: Develop an Impact Identification and Research Program	5.1: Identify Impacts from Bottom Trawling in MBNMS	Years 2-3
		5.2: Identify and Conduct Necessary Research on Trawling Impacts	Years 2-3
	Davidson Seamount	DS-1: Conduct Site Characterization	1.1: Complete Geologic and Biological Characterization of Seamount
1.3: Conduct Zoological Survey of Surface and Midwater Areas Above the Seamount			Years 3-5
1.4: Initiate Oceanographic Surveys of Seamount Region			Years 3-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Davidson Seamount cont'd</i>		1.5 Complete Thorough Socioeconomic (Commercial, Recreational, Research Uses) Analysis	Years 3-5
		1.6: Characterize Cultural History of Davidson Seamount	Years 3-5
		1.7: Incorporate Site Characterization Document in MBNMS Websites	Years 3-5
	DS-2: Conduct Ecological Processes Investigations	2.1: Conduct Regular Benthic Surveys of the Davidson Seamount	Years 3-5
		2.2: Conduct Deepwater Coral Ageing and Restoration Studies	Years 3-5
		2.3: Perform Research on Seamount to Expand Understanding Distribution and Abundance of Species	Years 3-5
		2.4: Understand Links with Coastal Sanctuary	Years 3-5
	DS-3: Develop Resource Protection Program	3.1 Continuously Characterize the Potential Threats to the Davidson Seamount	Years 2-5
Emerging Issues	EI-1: Identify and Track Emerging Issues	1.3: Consider Development of an “Early Warning” System to Assist MBNMS in Receiving Early Information on New and Unforeseen Issues, Including Efficient Pathways and Processes for Receiving this Information	Years 1-5
	EI – 2: Develop Process to Address Emerging Issues	2.1: Identify and Define Criteria for Assessing the Importance of Emerging Issues	Years 1-5
		2.2: Outline Alternative Categories and Processes to Address Emerging Issues	Year 1-5
Introduced Species Action Plan	IS-1: Address Known Pathways of Introduction	1.1: Develop and Implement Action Plans to Address Pathways, Threats, and Effective Prevention/Management	Years 3-5
	IS-2: Develop Prevention Program for Known Pathways of Introductions	2.1: Develop and Implement Introduced Species Outreach and Prevention Program	Years 3-5
	IS-3: Develop Baseline Information, Research & Monitoring Program	3.1: Increase Baseline Research	Years 3-4
		3.2: Develop Monitoring Plan for New Invasions	Years 3-4
		3.3: Synthesize Research Results and Make Results Publicly Available	Years 3-4
		3.4: Assess Ecological and Economic Impacts of Introduced Species in the MBNMS	Years 3-4

Action Plan	Strategy	Activity	Implementation Timing
Marine Protected Areas Action Plan	MPA-2: Define Conservation Goals and Objectives and Habitats and Resources to be Protected	2.2: Consider Range of Representative Habitat Type- e.g. Hard Bottom, Soft Bottom, Kelp Forest, Pelagic, Rocky Intertidal, Estuarine, etc.	Years 1-2
		2.3: Identify Key Ecological Interactions, Including Predator-Prey Relationships, Migratory Patterns, Life History Stages, and the Role of Biogenic Habitat (e.g. kelp)	Years 1-2
		2.4: Identify Emerging or Existing Threats to These Habitats, Resources or Interactions	Years 1-2
		2.5: Identify Resource or Habitat-specific Objectives for MPAs and/or Network/Collection of MPAs	Years 1-2
		2.6: Include Mix of Degrees of Habitat Health Ranging from Areas that are Minimally Disturbed and Set Aside for Protection, to Historically Productive, Currently Underused Habitats Set Aside to Allow Recovery	Years 1-2
		MPA-3: Develop General Design Criteria	3.1: Consider Biological and Physical Factors
	3.2: Consider Human Use Patterns		Years 2-3
	3.3: Address Considerations of MPA Size and Scale		Years 2-3
	3.4: Consider Design Issues Specific to Federal Waters		Years 2-3
	MPA-5: Develop Integrated Management System	5.1: Identify and Evaluate Other Existing or Planned Ecosystem, Fishery, or Land-based Management Tools, as Feasible Within Staff Limitations	Years 2-3
	MPA-6: Conduct Socioeconomic Impact Analysis and Mitigation	6.1: Identify Types of Socioeconomic Analyses to Assist in the Design and Evaluation of Biologically Effective MPAs That Will Allow Continuation of Sustainable Fishing Practices and Sustainable Communities	Years 1-3
	MPA-9: Build Research and Monitoring Program	9.1: Design and Conduct Biological Effectiveness Evaluations Linked to Specific Goals of MPAs	Years 2-5
		9.3: Coordinate Monitoring and Data Distribution	Years 2-5
Operations and Administration			
Operations and Administration	OA-1: Assess Staffing Needs	1.3: Develop a Structured Intern Program	Years 1-2
	OA-2: Develop Volunteer Program	2.1: Coordinate and Incorporate MBNMS Volunteer Efforts on Specific Projects into a Single Team OCEAN Program	Years 2-3

Action Plan	Strategy	Activity	Implementation Timing
<i>Ops and Admin cont'd.</i>	OA-5: Conduct Administrative Initiatives	2.2: Continue Volunteer Recruitment and Placement	Years 2-3
		2.4: Recognize the Efforts and Services of Volunteers	Years 2-3
		2.5: Create a Mechanism to Retain Volunteers	Years 2-3
		5.8: MBNMS Will Continue to Partner with the Monterey Bay Sanctuary Foundation, a Nonprofit Organization Whose Mission is to Advance the Understanding and Protection of MBNMS and Other National Marine Sanctuaries in California, and with Other Nongovernmental Partners	Years 1-5
		5.12: The MBNMS Research Coordinator Will Continue to Manage the Research Team and Participate in NMSP-wide Activities Relating to Research	Years 1-5
	OA-6: Coordinate and Conduct Boat Operations	6.2: Develop Boat Operator and Crew Member Qualification Plan	Years 1-5
		6.4: Fund and Construct 65FT <u>FULMAR</u> Vessel	Years 1-5
	OA-7: Oversee and Conduct Dive Operations	7.1: Identify Needs for Diving Operations from Other Action Plans	Years 1-5
		7.2: Establish a Staff Qualification Plan	Years 1-5
		7.4: Develop Reciprocity Agreements with Other Research Diving Programs to Facilitate Collaborative Research	Years 1-5
	OA-8: Aircraft Operations	8.2: Based on Needs Assessment, Develop and Implement Aircraft Operations Plan	Years 2-5
	OA-9: Maintain and Enhance Permit Program	9.3: Review Permit Process to Improve Efficiency and Effectiveness	Years 1-5
	OA-10: Interagency Program Review	10.1: Conduct Outreach to Agencies and Stakeholders	Years 1-5
		10.3: Review and Comment on Local Coastal Program Updates	Years 1-5
Partnerships and Opportunities			
Fishing Related Research and Education	FER-2: Enhance Stakeholder Communication Enhancement	2.1: Continue to Meet with Fishermen, Incorporate them into Relevant Committees and Obtain Fishermen's Perspective for the Sanctuary Advisory Council	Years 2-4
		2.3: Develop a Communication Plan Between Parties Interested in Education and Research Issues Related to Fishing in the MBNMS	Years 2-4

Action Plan	Strategy	Activity	Implementation Timing
<i>Fishing Related Research and Education cont'd.</i>		2.4: Investigate Partnership with the Pacific Marine Conservation Council's (PMCC) West Coast-Wide Collaborative Research Program	Years 2-4
		2.4: Develop a Series of Meetings Outlining Projects with Science Needs Using Fishermen's Skills and Assets	Years 2-4
	FER-3: Facilitate Sustainable Fisheries Definition and Promotion	3.1: Promote Biological and Socioeconomic Research on Sustainability	Years 2-3
		3.2: Work with Partners to Identify, Promote, and Certify Healthy Fisheries in the MBNMS	Years 2-3
		3.3: Increase Outreach and Awareness of How Sustainability is Assessed	Years 2-3
	FER-5: Collect and Distribute Fisheries and Habitat Related Data	5.1: Coordinate with Fishery Management Agencies in Developing a Recurring Workshop Series with Interested Parties to Determine Existing Data, Efforts, Gaps, Overlap, and Develop a Coordinated Plan for Collection and Distribution of Marine Ecosystem and Fisheries Relevant Data	Years 3-5
		5.2: Consider Input from Fishermen and Other Stakeholders in the Development, Synthesis, Collection, and Analyses of Data When Participating in Cooperative Fisheries Research	Years 3-5
		5.3: Include Fisheries Relevant Data in the Sanctuary Integrated Monitoring Network (SIMoN) Metadata Files And Website	Years 3-5
	FER-7: Conduct Public Outreach on Links Between Healthy Ecosystems and Fish Stocks	7.2: Facilitate an Assessment of What Is Known about the Links Between Ecosystems and Fisheries	Years 2-3
		7.4: Conduct Outreach to Target Audiences	Years 2-3
Interpretive Facilities	IF-1: Construct and Operate Visitor Center	1.2: Develop Visitor Center Facilities and Operations Plan	Years 1-3
	IF-4: Virtual Experiences	4.1: Expand Virtual Interpretive Opportunities on MBNMS Website	Years 2-3
Sanctuary Integrated Monitoring Network	SI-2: New Monitoring Efforts for Basic MBNMS Characterization and Understanding of Changes in Natural Resources	2.1: Initiate New and Continue Existing Monitoring Efforts to Address Needs Identified as Priorities in MBNMS Management Plan	Years 1-5
		2.3: Continue Rapid Response Programs	Years 1-5
		2.4: Continue Revue of Internal MBNMS Proposals	Years 1-5

Action Plan	Strategy	Activity	Implementation Timing	
<i>Sanctuary Integrated Monitoring Network cont.</i>		2.5: Continue Review of Unsolicited Proposals	Years 1-5	
	SI-3: Integrate Regional Monitoring Efforts	3.1: Coordinate and Synthesize Historic Data Sets with Information from the Various Regional Research Institutions Working within the MBNMS	Years 1-5	
		3.2: Integrate Existing Data Sets into the SIMoN Database	Years 1-5	
		3.3: Create and Disseminate Synthetic Products Based on Data from Various Monitoring and Research Efforts	Years 1-5	
		3.4: Expand the Metadata Database to Include All Ongoing Monitoring Projects, Add New Projects, and Periodically Update and Review All Projects in the Database	Years 1-5	
		3.5: Expand the SIMoN Database (i.e. PDERM) to Include Research (non-monitoring) Projects that Complement Historic and Current Monitoring Efforts	Years 1-5	
		3.6: Participate in the Development of Regional Ocean Observatory Programs	Years 1-5	
		SI-5: Outreach and Information Dissemination	5.1: Continue Development and Maintenance of Monitoring Database and Mapping Tools on SIMoN Website	Years 1-5
	5.2: Produce State of the Sanctuary Report and Other Technical Reports		Years 1-5	
	5.3: Conduct Annual Monitoring Symposia and Workshop		Years 1-5	
	5.4: Provide Timely Information for Management Decisions		Years 1-5	
	5.5: Continue to Create GIS Products to Support Monitoring Efforts		Years 1-5	
	SI-6: Expand SIMoN as a Model for the National Marine Sanctuary System	6.1: Establish SIMoN Programs at All Sites	Years 1-2	
		6.2: Involve Local Researchers Along with Agency Staff to Share Existing Monitoring and Identify and Collect New, Critical Monitoring Data	Years 1-2	
		6.3: Identify “Sentinel” Locations for Long-Term Monitoring Locations at All Sanctuaries in the Development of Ocean Observatories	Years 1-2	
		6.4: Develop Indicators, or Metrics, for each Site to Assess, to the Extent Possible, the Health of a MBNMS’s Ecosystem	Years 1-2	
	Water Quality Issues			

Action Plan	Strategy	Activity	Implementation Timing
Beach Closures and Contamination	BC-1: Enhance Use of Geographic Information System (GIS)	1.2: Expand and Continue to Encourage Local Jurisdictions to Map Septic Sewer and Storm Drain Lines, and to Record Data on Reported Spills, Blockages, and Lateral Line Cleaning Work	Years 1-2
	BC-2: Expand Pathogen and Contamination Research	2.1: Investigate and Implement Rapid Indicator Assessment	Years 1-5
		2.2: Explore Other Potential Indicators	Years 1-5
	BC-3: Increase Monitoring Network	3.1: Increase Number and Frequency of Beach Sampling	Years 1-2
	BC-4: Enhance Notification Program	4.1: Develop Improved Notification System for User Groups	Years 1-3
Water Quality Protection Program Implementation	WQPP-9: Data Access	9.1: Integrate Water Quality Data with SIMoN	Years 1-2
		9.2: Certify Data Quality for Volunteer Groups and Incorporate into Database	Years 1-2
		9.3: Improve Packaging and Distribution of Data to Decision-makers and the Public	Years 1-2
	WQPP-17: Strengthen Technical Information and Outreach to Agriculture	17.7: Develop And Promote Self-Monitoring Tools for Conservation Management Practices to Assess Problems And Track Success	Years 1-2
Wildlife Disturbance Issues			
Marine Mammal, Seabird and Turtle Disturbance	MMST-2: Mitigate Impacts from Low Flying Aircraft	2.2: Identify Research and Monitoring Activities	Years 3-4
	MMST-4: Mitigate Impacts from Marine Debris	4.2: Develop a Database to Monitor Marine Debris	Years 4-5
	MMST-5: Consider Impacts from Commercial Harvest	5.1: Evaluate Levels of Disturbance and Identify Solutions	Years 3-5
	MMST-6: Assess Impacts From Acoustics	6.1: Expand Research and Monitoring of Acoustics in Marine Environment	Years 3-5
	MMST-7: Reduce Sea Turtle Disturbance	7.1: Assess Levels of Sea Turtle Disturbance in MBNMS	Years 3-4
Tidepool Protection	TP-1: Assess the Problem	1.1: Continue Regional Identification and Prioritization of Tidepool Locations	Years 4-5
		1.2: Identify Types and Extent of Impacts to Tidepools	Years 4-5
		1.3: Monitor to Understand Natural Versus Human-Caused Changes	Years 4-5
		1.4: Improve Data Collection and Database Coordination Among Tidepool Research and Monitoring Projects	Years 4-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Tidepool Protection cont'd.</i>		1.5: Ensure Researchers Understand Key Priorities and Information Needs of Managers	Years 4-5
		1.6: Compile Historical Knowledge About Key Locations	Years 4-5
Cross Cutting Issues			
Administration and Operations	XAO-1: Improve Internal Communications Among the Three Sanctuaries	1.4: The Program Coordinators will Meet Separately at Least Once per year to Share Information and Plan Joint Activities Prior to the Development of the Annual Operating Plan	Years 1-5
	XAO-2: Improve the Efficiency and Cost-effectiveness of Program Operations	2.2: Develop a List of Needed Facilities, Signage, Exhibits, Equipment, Vessels, and Resources Based on the Revised Management Plans that could be Shared Between Sites	Years 1-2
		2.3: Contact and Inform the other Sites Early in the Planning Stages of Field Operations to Provide Opportunities to Plan Joint Missions and to Share Information and Data	Years 1-2
Ecosystem Monitoring	XEM-1: Coordinate Existing Targeted Monitoring Activities to Promote Greater Efficiency and Effectiveness	1.1: Coordinate individual sanctuary rocky intertidal monitoring programs and investigate opportunities to collaborate with other large-scale rocky intertidal monitoring efforts	Years 1-5
		1.2: Conduct a workshop to coordinate data collection protocols for Beach COMBERS and Beach Watch Programs that indirectly assess the health of the pelagic/offshore ecosystem	Years 2-3
		1.3: Develop an integrated sanctuary marine mammal and seabird survey monitoring plan for the 3 sanctuaries to coordinate and supplement the NOAA Fisheries 5-year surveys	Years 3-5
		1.4: Explore the potential for the expansion of existing fish surveys, such as the CalCOFI transect lines through Gulf of the Farallones and Cordell Bank, and continuation in Monterey Bay	Year 2
		1.5: Jointly developed research cruise plans and standards for sampling and reporting results for benthic habitat survey work	Years 1-5
		1.6: Augment the benthic habitat survey work with new technologies such as ROV surveys.	Years 1-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Ecosystem Monitoring cont'd.</i>	XEM-2: Coordinate and Implement Existing Regional Ecosystem Monitoring Activities	2.1: Implement the West Coast Observation Project at CBNMS, GFNMS and MBNMS	Years 1-5
		2.2: Develop and implement an integrated NMSP's System-Wide Monitoring (SWiM) program for CBNMS, GFNMS and MBNMS	Years 2-3
	XEM-3: Identify Shared Monitoring Needs With Respect to Management Concerns and Responsibilities at Each of the Sanctuaries	3.1: Conduct a needs assessment and develop a site implementation plan for expanding SIMoN to the Gulf of the Farallones and Cordell Bank sanctuaries	Years 1-2
		3.2: Explore opportunities to integrate SIMoN with other regional monitoring efforts such as West Coast Observations and other IOOS projects	Years 1-2
		3.3: Evaluate and identify ongoing funding opportunities to support regional and larger scale ongoing monitoring activities	Years 1-2
	XEM-4: Establish a Joint Internal Monitoring Coordination Team	4.1: Establish a Monitoring Coordination Team	Years 2-3
		4.2: Review the monitoring recommendations set forth by the sanctuary specific issue-based working groups during the joint management plan review process	Year 1
		4.3: Develop a research and monitoring communication plan to improve coordination among the sanctuary's research staff and partners	Year 2
		4.4: Investigate the opportunity for joint reporting of monitoring activities through periodic "state of the sanctuaries" reports for cross-cutting monitoring activities among the three sanctuaries	Year 2

Action Plan	Strategy	Activity	Implementation Timing
<i>Ecosystem Monitoring cont'd.</i>	XEM-5: Consider Establishing Additional Site-Specific or a Joint Research Activities Panel to Enhance Research and Monitoring Collaborations	5.1: Evaluate the need and feasibility of establishing a CBNMS Research Activity Panel (RAP) or a GFNMS RAP as a permanent SAC working group and the need to create an ad-hoc or standing joint research activities panel (JRAP) to advise and identify opportunities for coordinated monitoring activities	Year 2
		5.4: Institute annual meetings for a subgroup of (~10) representatives from all three sanctuary RAPs (or research partners if a RAP does not exist) to coordinate research and monitoring activities in the region	Year 4
Maritime Heritage	XMHR-1: Establish Maritime Heritage Resources Program	1.1: Develop the foundation and infrastructure of a MHR Program	Years 1-2
		1.2: Identify and assist partners doing maritime heritage related work to obtain funding and resources	Years 2-3
	XMHR-2: Inventory and Assess Submerged Sites	2.1: Establish external partnerships to inventory potential shipwreck sites with other federal, state, and local agencies as well as vocational archaeologists, commercial divers and fishermen, and recreational divers	Years 3-4
		2.2: Conduct systematic research and survey for archaeological sites, including the remains of prehistoric, as well as historic sites, that represent ship and aircraft losses	Years 3-4
		2.3: Establish a Shipwreck Reconnaissance and Site Monitoring Program	Years 3-5
		2.4: Assess and Nominate Appropriate Submerged Archaeological Sites for Inclusion to the National Register of Historic Places	Years 3-5
	XMHR-3: Assess Shipwrecks and Submerged Structures for Hazards	3.1: Establish an inventory of shipwrecks, inside and outside of Sanctuary boundaries, that may pose environmental threats to Sanctuary marine resources	Years 3-5
		3.2: Establish a monitoring program for shipwreck sites that may pose environmental threats	Years 3-5
		3.3: Coordinate with partners to reduce threats	Years 1-5
		3.4: For historic shipwrecks, ensure compliance under Section 106 of the National Historic Preservation Act (NHPA) and the National Marine Sanctuary Act (NMSA)	Years 3-5

Action Plan	Strategy	Activity	Implementation Timing
<i>Maritime Heritage cont'd.</i>	XMHR-4: Protect and Manage Submerged Archaeological Resources	4.1: Jointly develop uniform protocol to manage, monitor, and protect submerged sites within the three sanctuaries in partnership with appropriate local law enforcement agencies	Years 2-4
		4.2: Provide training to sanctuary staff and facilitate training for partners	Years 3-4
		4.3: Identify archaeological and historic resources currently outside sanctuary boundaries that may either be of significant historic interest or may pose a threat to sanctuary resources	Years 4-5

Appendix D – Enforcement Related Activities

Action Plan	Strategy	Activity	Implementation Timing
Coastal Development Issues			
Coastal Armoring	CA-2: Develop and Implement Regional Approach to Coastal Armoring	2.6: Broaden the Multi-Agency Enforcement Program	Years 2-4
	CA-3: Improve Permit Program	3.6: Permit Enforcement	Years 2-4
Desalination	DESAL-4: Develop Modeling and Monitoring Program	4.4: Enforcement and Permit Compliance	
Harbors and Dredge Disposal	HDD-1: Improve Agency Coordination	1.3: Enforcement and Permit Compliance	
Submerged Cables	SC-2: Develop Submerged Cable Project Permit Guidelines	2.5: Enforcement and Permit Compliance	
Ecosystem Protection Issues			
Davidson Seamount	DS-3 Develop Resource Protection	3.3 Develop and Implement Enforcement Plan for DSMZ	Years 1-2
Introduced Species	IS-2: Prevention Program for Known Pathways of Introduction	2.3: Coordinate Use of Regulations/ Permits/ Enforcement and Inspect Discharge Logs	Years 3-5
Marine Protected Areas	MPA-7: Develop Enforcement and Compliance Program	7.1: Identify Components of an Effective Enforcement Program and Implementation Mechanisms to Provide Adequate Surveillance on the Water and in the Air	Years 4-5
		7.2: Develop Partnerships and Cooperative Interagency Enforcement Plans	Years 4-5
		7.3: Ensure Adequate Training of Enforcement Officers in MPA Management and Regulations	Years 4-5
		7.4: Utilize Technology such as GPS and Remote Sensing to facilitate Compliance	
		7.5: Enlist Community Participation in MPA Management and Enforcement to Maximize Cost-effectiveness of Enforcement Program and Enhance Compliance	Years 4-5
	MPA-8: Develop Education and Outreach Program	8.5: Integrate Education with Enforcement and Research	Years 4-5
Operations and Administration			
Operations and Administration	OA-6: Coordinate and Conduct Boat Operations	6.5 Implement Boat Operations to Support Sanctuary Enforcement	Year 1-2
	OA-10: Permit Program	10.1: Conduct Outreach to Agencies and Stakeholders	

Action Plan	Strategy	Activity	Implementation Timing
<i>Ops and Admin cont'd.</i>		10.2: Review and Comment on Local Land Use Decisions	
		10.3: Review and Comment on Local Coastal Program Updates	
		10.4: Review and Comment on Fishery Management Plan Updates	
		10.5: Testify at Local Hearings on Issues Affecting the MBNMS	
Water Quality Issues			
Beach Closures and Contamination	BC-8: Increase and Coordinate Enforcement	8.1: Review Past Oversight and Sanctuary Notification of Spills, and Use this Information to Develop Effective Protocol for Collaboration Between Agencies	Years 1-2
		8.2: Coordinate and Strengthen Enforcement Actions with the RWQCBs	Years 1-2
	BC-9: Emergency Response	9.4: Provide Sanctuary Enforcement Presence Where Necessary in the Field to Follow Up on Reported Spills and Assess Potential Injury to the Sanctuary	Years 1-2
Cruise Ship Discharges	CS-2: Enforcement and Monitoring Program	2.4: Develop and Implement an Enforcement Program, in Collaboration with Partners	Years 1-2
Water Quality Protection Plan	WQPP-11: Public Education and Outreach	11.3:	
Wildlife Disturbance Issues			
Marine Mammal, Seabird and Turtle Disturbance	MMST-8: Enforcement Activity Disturbance	8.1: Strengthen Enforcement	Years 1-3
		8.2: Continue Outreach to Increase Knowledge of MBNMS Regulations and Contact Information	
		8.3: Increase Use of Summary Settlement Process	
		8.4: Increase Coordination Between Education and Enforcement Programs	
Motorized Personal Watercraft	MPWC-4: Enhance Enforcement Efforts	4.1: Expanded Deputization of Local Peace Officers to Increase Surveillance	Years 2-3
		4.2: Commit Sufficient Enforcement Funding to Support Deputization Agreements with Harbors	Years 2-3
		4.3: Permit Enforcement at Mavericks Using Permit Fee Funding	Years 2-3
Tidepool Protection	TP-3: Strengthen Enforcement	3.1: Improve Enforcement of Existing Regulations	Years 1-3
		3.2: Utilize Enforcement to Focus on Significant Violations	Years 1-3
		3.3: Improve Interagency Coordination	Years 2-4
		3.4: Define a System of Referrals from Docents to Enforcement Officers	Years 3-4
		3.5: Promote a Public Call-in Reporting System	Years 4-5

Action Plan	Strategy	Activity	Implementation Timing
Cross Cutting Issues			
Administration and Operations	XAO-4: Resource Protection Program Coordination	4.1: Improve staff awareness and understanding of each site’s regulations	Years 1-3
		4.5: Develop a coordinated sanctuary emergency response plan	Years 2-3
		4.6: Coordinate with the NMSP Damage Assessment Team on populating and making SHIELDS functional and operative for the three sanctuaries and integrating it with the SIMoN database.	Years 1 -5
		4.7 / 4.8: Develop and implement a comprehensive enforcement plan for the tri-sanctuary area.	Years 3-5
Maritime Heritage	XMHR-4: Submerged Archaeological Resources Protection and Management	4.1: Jointly develop protocol to manage, monitor, and protect submerged site within the three sanctuaries in partnership with appropriate local law enforcement agencies.	Year 3-4
Northern Management Area	XNRP-2: GFNMS will be responsible for regulatory activities in the NMA while maintaining maximum consistency and protection to sanctuary resources	2.3: Resource Protection Teams Coordinate on Proposed Regulatory Changes	Years 1-2
	XNRP -4: GFNMS staff will coordinate enforcement activities in the NMA	4.1: GFNMS staff will oversee planning and implementation of all NMA enforcement activities in the NMA and will coordinate with MBNMS to ensure consistency across the sites.	Years 1-5

Appendix E – MBNMS Designation Document

**PROPOSED REVISED DESIGNATION DOCUMENT FOR THE MONTEREY BAY NATIONAL
MARINE SANCTUARY**

Under the authority of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (the "Act"), 16 U.S.C. 1431 et seq., Monterey Bay and its surrounding waters offshore of central California, and the submerged lands under Monterey Bay and its surrounding waters, as described in Article II, are hereby designated as the Monterey Bay National Marine Sanctuary for the purposes of protecting and managing the conservation, ecological, recreational, research, educational, historical, and esthetic resources and qualities of the area.

Article I. Effect of Designation

The Act authorizes the issuance of such final regulations as are necessary and reasonable to implement the designation, including managing and protecting the conservation, recreational, ecological, historical, research, educational, and esthetic resources and qualities of the Monterey Bay National Marine Sanctuary. Section 1 of Article IV of this Designation Document lists activities of the types that either are to be regulated on the effective date of designation or may have to be regulated at some later date in order to protect Sanctuary resources and qualities. Listing does not necessarily mean

that a type of activity will be regulated; however, if a type of activity is not listed it may not be regulated, except on an emergency basis, unless section 1 of Article IV is amended to include the type of activity by the same procedures by which the original designation was made.

Article II. Description of the Area

The Monterey Bay National Marine Sanctuary (Sanctuary) consists of two separate areas. (a) The first area consists of an area of approximately 4016 square nautical miles (NM) of coastal and ocean waters, and submerged lands thereunder, in and surrounding Monterey Bay off the central coast of California. The northern terminus of the Sanctuary boundary is located along the southern boundary of the Gulf of the Farallones National Marine Sanctuary (GFNMS) beginning at Rocky Point just south of Stinson Beach in Marin County. The Sanctuary boundary follows the GFNMS boundary westward to a point approximately 29 NM offshore from Moss Beach in San Mateo County. The Sanctuary boundary then extends southward in a series of arcs, which generally follow the 500 fathom isobath, to a point approximately 27 NM offshore of Cambria, in San Luis Obispo County. The Sanctuary boundary then extends eastward towards shore until it intersects the Mean High Water Line (MHWL) along the coast near Cambria. The Sanctuary boundary then follows the MHWL northward to the northern terminus at Rocky Point. The shoreward Sanctuary boundary excludes a small area between Point Bonita and Point San Pedro. Pillar Point Harbor, Santa Cruz Harbor,

Monterey Harbor, and Moss Landing Harbor are all excluded from the Sanctuary shoreward from the points listed in Appendix A of the site regulations except for Moss Landing Harbor, where all of Elkhorn Slough east of the Highway One bridge, and west of the tide gate at Elkhorn Road and toward the center channel from the MHWL is included within the Sanctuary, excluding areas within the Elkhorn Slough National Estuarine Research Reserve. Exact coordinates for the seaward boundary and harbor exclusions are provided in Appendix A of the site regulations.

(b) The Davidson Seamount Management Zone (DSMZ) is also part of the Sanctuary. This area, bounded by a rectangle centered on the top of the Davidson Seamount, consists of approximately 585 square NM of ocean waters and the submerged lands thereunder. This portion of the Sanctuary is located approximately 70 NM off the coast of San Simeon in San Luis Obispo County. Exact coordinates for the DSMZ boundary are provided in Appendix F of the site regulations.

Article III. Characteristics of the Area That Give It Particular Value

The Monterey Bay area is characterized by a combination of oceanic conditions and undersea topography that provides for a highly productive ecosystem and a wide variety of marine habitat. The area is characterized by a narrow continental shelf fringed by a variety of

coastal types. The Monterey Submarine Canyon is unique in its size, configuration, and proximity to shore. This canyon system provides habitat for pelagic communities and, along with other distinct bathymetric features, may modify currents and act to enrich local waters through strong seasonal upwelling. Monterey Bay itself is a rare geological feature, as it is one of the few large embayments along the Pacific coast.

The Monterey Bay area has a highly diverse floral and faunal component. Algal diversity is extremely high and the concentrations of pinnipeds, whales, otters and some seabird species are outstanding. The fish stocks, particularly in Monterey Bay, are abundant and the variety of crustaceans and other invertebrates is high.

In addition there are many direct and indirect human uses of the area. The most important economic activity directly dependent on the resources is commercial fishing, which has played an important role in the history of Monterey Bay and continues to be of great economic value.

The diverse resources of the Monterey Bay area are enjoyed by the residents of this area as well as numerous visitors. The population of Monterey and Santa Cruz counties is rapidly expanding and is based in large part on the attractiveness of the area's natural beauty. The high water quality and the resulting variety of biota and their proximity to shore is one of the prime reasons for the international

renown of the area as a prime tourist location. The quality and abundance of the natural resources has attracted human beings from the earliest prehistoric times to the present and as a result the area contains significant historical, e.g., archaeological and paleontological, resources, such as Costanoan Indian midden deposits, aboriginal remains, and sunken ships and aircraft.

The biological and physical characteristics of the Monterey Bay area combine to provide outstanding opportunities for scientific research on many aspects of marine ecosystems. The diverse habitats are readily accessible to researchers. Twenty-six research and education facilities are found within the Monterey Bay area. These institutions are exceptional resources with a long history of research and large databases possessing a considerable amount of baseline information on the Bay and its resources. Extensive marine and coastal education and interpretive efforts complement Monterey Bay's many research activities. For example, the Monterey Bay Aquarium has attracted millions of visitors who have experienced the interpretive exhibits of the marine environment. Point Lobos Ecological Reserve, Elkhorn Slough National Estuarine Research Reserve, Long Marine Laboratory and Año Nuevo State Reserve all have excellent docent programs serving the public, and marine related programs for school groups and teachers.

As to Davidson Seamount, it is located offshore of California, seventy-five miles southwest of Monterey, due west of San Simeon, and is one of the largest known seamounts in U.S. waters. Davidson

Seamount is twenty-six miles long and eight miles wide. From base to crest, Davidson Seamount is 7,480 feet tall; yet still 4,101 feet below the sea surface. Davidson Seamount has an atypical seamount shape, having northeast-trending ridges created by a type of volcanism only recently described. It last erupted about 12 million years ago. This large geographic feature was the first underwater formation to be characterized as a "seamount" and was named after the Coast and Geodetic Survey (forerunner to the National Ocean Service) scientist George Davidson. Davidson Seamount's geographical importance is due to its location in the California Current, which likely provides a larger flux of carbon (food) to the sessile organisms on the seamount surface relative to a majority of other seamounts in the Pacific and may have unique links to the nearby Partington and Monterey submarine canyons.

The surface water habitat of the Davidson Seamount hosts a variety of seabirds, marine mammals, and pelagic fishes, e.g., albatrosses, shearwaters, sperm whales, killer whales, albacore tuna, and ocean sunfish. Organisms in the midwater habitat have a patchy distribution, e.g., jellies and swimming worms, with marine snow, organic matter that continually "rains" down from the sea surface, providing an important food source for deep-sea animals. The seamount crest habitat is the most diverse of habitats in the Davidson Seamount area, including large gorgonian coral (e.g., *Paragorgia* sp.) forests, vast sponge fields (many undescribed species), crabs, deep-sea fishes, shrimp, and basket stars. The seamount slope habitat is composed of cobble and rocky areas interspersed with areas of ash and sediment,

and hosts a diverse assemblage of sessile invertebrates and rare deep-sea fishes. The seamount base habitat is the interface between rocky outcrops and the flat, deep soft bottom habitat.

Davidson Seamount is home to previously undiscovered species and species assemblages, such as large patches of corals and sponges, where there is an opportunity to discover unique associations between species and other ecological processes. The high biological diversity of these assemblages has not been found on other central California seamounts. Davidson Seamount's importance for conservation revolves around the endemism of seamount species, potential future harvest damage to coral and sponge assemblages, and the low resilience of these species. Abundant and large, fragile species (e.g., corals greater than eight feet tall, and at least 200 years old, as well as vast fields of sponges) and an apparently physically undisturbed seafloor appear relatively pristine.

Research cruises to the Davidson Seamount in the early 2000s have captivated the imagination of the public through international news, television productions, a new NOAA visitor center film, and popular websites. The well-developed education initiatives of the National Marine Sanctuary Program, one of the few NOAA programs mandated to develop education programs, provides an opportunity to educate the public about seamounts as well as cold water corals and sponges. This is a critical advantage of Davidson Seamount designation, as few other sanctuaries include deep-sea corals and seamounts, a necessity in

conservation and addressing new public interest in these issues.

The 1992 Final Environmental Impact Statement/Management Plan [and 2006 Draft Environmental Impact Statement/Management Plan] provide more detail on the characteristics of the Monterey Bay and Davidson Seamount area that give it particular value.

Article IV. Scope of Regulations

Section 1. Activities Subject to Regulation

The following activities are subject to regulation, including prohibition, to the extent necessary and reasonable to ensure the protection and management of the conservation, ecological, recreational, research, educational, historical, and esthetic resources and qualities of the Sanctuary:

- a. Exploring for, developing, or producing oil, gas, or minerals (e.g., clay, stone, sand, metalliferous ores, gravel, non-metalliferous ores, or any other solid material or other matter of commercial value) within the Sanctuary;
- b. Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter, except dredged material deposited at disposal sites authorized prior to the effective date of Sanctuary designation, provided that the activity is pursuant to, and complies with the terms and conditions of, a

- valid Federal permit or approval existing on the effective date of Sanctuary designation;
- c. Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter, except dredged material deposited at the authorized disposal sites described in Appendix D to the site regulations, provided that the activity is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval;
 - d. Taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying, or causing the loss of, or attempting to take, remove, move, catch, collect, harvest, feed, injure, destroy, or cause the loss of, a marine mammal, sea turtle, seabird, historical resource, or other Sanctuary resource;
 - e. Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary;
 - f. Possessing within the Sanctuary a Sanctuary resource or any other resource, regardless of where taken, removed, moved, caught, collected, or harvested, that, if it had been found within the Sanctuary, would be a Sanctuary resource;
 - g. Possessing any Sanctuary historical resource;
 - h. Flying a motorized aircraft above the Sanctuary;
 - i. Operating a vessel (i.e., water craft of any description) within the Sanctuary;

- j. Aquaculture or kelp harvesting within the Sanctuary;
- k. Interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act;
- l. Introducing or otherwise releasing from within or into the Sanctuary an introduced species.

Section 2. Emergencies

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities, including those not listed in Section 1 of this Article, are subject to immediate temporary regulation, including prohibition.

Article V. Effect on Leases, Permits, Licenses, and Rights

Pursuant to section 304(c)(1) of the Act, 16 U.S.C. 1434(c)(1), no valid lease, permit, license, approval, or other authorization issued by any Federal, State or local authority of competent jurisdiction, or any right of subsistence use or access, may be terminated by the Secretary of Commerce or designee as a result of this designation or as a result of any Sanctuary regulation if such authorization or right was in existence on the effective date of this designation. The Secretary of Commerce or designee, however, may regulate the exercise

(including, but not limited to, the imposition of terms and conditions) of such authorization or right consistent with the purposes for which the Sanctuary is designated.

In no event may the Secretary or designee issue a permit authorizing, or otherwise approve: (1) the exploration for, development of or production of oil, gas, or minerals within the Sanctuary except for limited, small-scale jade collection in the Jade Cove area of the Sanctuary [defined as the area bounded by the 35.92222 N latitude parallel (coastal reference point: beach access stairway at South Sand Dollar Beach), the 35.88889 N latitude parallel (coastal reference point: westernmost tip of Cape San Martin), and the mean high tide line seaward to the 90 foot isobath (depth line)]; (2) the discharge of primary-treated sewage (except for regulation, pursuant to section 304(c) (1) of the Act, of the exercise of valid authorizations in existence on the effective date of Sanctuary designation and issued by other authorities of competent jurisdiction); or (3) the disposal of dredged material within the Sanctuary other than at sites authorized by the U.S. Environmental Protection Agency (in consultation with the U.S. Army Corps of Engineers) prior to the effective date of designation. Any purported authorizations issued by other authorities after the effective date of Sanctuary designation for any of these activities within the Sanctuary shall be invalid.

Article VI. Alterations to This Designation

The terms of designation, as defined under section 304(a) of the Act, may be modified only by the same procedures by which the original designation is made, including public hearings, consultation with interested Federal, State, and local agencies, review by the appropriate Congressional committees and Governor of the State of California, and approval by the Secretary of Commerce or designee.

END OF DESIGNATION DOCUMENT

Appendix F - MBNMS Regulations

PART 922–[AMENDED]

Subpart M–Monterey Bay National Marine Sanctuary

§ 922.130 Boundary

§ 922.131 Definitions

§ 922.132 Prohibited Or Otherwise Regulated Activities

§ 922.133 Permit Procedures and Criteria

§ 922.134 Notification and Review

Appendix A To Subpart M Of Part 922 – Monterey Bay National Marine Sanctuary Boundary Coordinates

Appendix B To Subpart M Of Part 922 – Zones Within The Sanctuary Where Overflights Below 1000 Feet Are Prohibited

Appendix C To Subpart M Of Part 922 – Dredged Material Disposal Sites Within The Sanctuary

Appendix D To Subpart M Of Part 922 – Dredged Material Disposal Sites Adjacent To The Monterey Bay National Marine Sanctuary

Appendix E To Subpart M Of Part 922 – Motorized Personal Watercraft Zones And Access Routes Within The Sanctuary

Appendix F To Subpart M Of Part 922 – Davidson Seamount Management

Zone

Section 922.130 Boundary.

The Monterey Bay National Marine Sanctuary (Sanctuary) consists of two separate areas. (a) The first area consists of an area of approximately 4016 square nautical miles (NM) of coastal and ocean waters, and submerged lands thereunder, in and surrounding Monterey Bay off the central coast of California. The northern terminus of the Sanctuary boundary is located along the southern boundary of the Gulf of the Farallones National Marine Sanctuary (GFNMS) beginning at Rocky Point just south of Stinson Beach in Marin County. The Sanctuary boundary follows the GFNMS boundary westward to a point approximately 29 NM offshore from Moss Beach in San Mateo County. The Sanctuary boundary then extends southward in a series of arcs, which generally follow the 500 fathom isobath, to a point approximately 27 NM offshore of Cambria, in San Luis Obispo County. The Sanctuary boundary then extends eastward towards shore until it intersects the Mean High Water Line (MHWL) along the coast near Cambria. The Sanctuary boundary then follows the MHWL northward to the northern terminus at Rocky Point. The shoreward Sanctuary boundary excludes a small area between Point Bonita and Point San Pedro. Pillar Point Harbor, Santa Cruz Harbor,

Monterey Harbor, and Moss Landing Harbor are all excluded from the Sanctuary shoreward from the points listed in Appendix A except for Moss Landing Harbor, where all of Elkhorn Slough east of the Highway One bridge, and west of the tide gate at Elkhorn Road and toward the center channel from the MHWL is included within the Sanctuary, excluding areas within the Elkhorn Slough National Estuarine Research Reserve. Exact coordinates for the seaward boundary and harbor exclusions are provided in Appendix A to this subpart.

(b) The Davidson Seamount Management Zone (DSMZ) is also part of the Sanctuary. This area, bounded by geodetic lines connecting a rectangle centered on the top of the Davidson Seamount, consists of approximately 585 square NM of ocean waters and the submerged lands thereunder. This portion of the Sanctuary is located approximately 70 NM off the coast of San Simeon in San Luis Obispo County. Exact coordinates for the DSMZ boundary are provided in Appendix F to this subpart.

Section 922.131 Definitions.

In addition to those definitions found at 15 CFR 922.3, the following definitions apply to this subpart:

Attract or *attracting* means the conduct of any activity that lures or may lure any animal by using food, bait, chum, dyes, decoys,

acoustics, or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).

Federal Project means any water resources development project conducted by the U.S. Army Corps of Engineers or operating under a permit or other authorization issued by the Corps of Engineers and authorized by Federal law.

Hand tool means a hand-held implement, utilized for the collection of jade pursuant to 15 CFR 922.132(a)(1), that is no greater than 36 inches in length and has no moving parts (e.g., dive knife, pry bar, or abalone iron). Pneumatic, mechanical, electrical, hydraulic, or explosive tools are, therefore, examples of what does not meet this definition.

Motorized personal watercraft (MPWC) means (1) any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the operator stands or sits inside the vessel; or (2) any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts 181 and 183 (except submarines); or (3) any other vessel that is less than 20 feet in

length overall as manufactured, and is propelled by a water jet pump or drive.

Harmful matter means any substance, or combination of substances, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a present or potential threat to Sanctuary resources or qualities, including but not limited to: fishing nets, fishing line, hooks, fuel, oil, and those contaminants (regardless of quantity) listed pursuant to 42 U.S.C. 9601(14) of the Comprehensive Environmental Response, Compensation and Liability Act at 40 CFR 302.4.

Deserting means:

a) leaving a vessel aground or adrift:

(1) without notification to the Director of the vessel going aground or becoming adrift within 12 hours of its discovery and developing and presenting to the Director a preliminary salvage plan within 24 hours of such notification;

(2) after expressing or otherwise manifesting intention not to undertake or to cease salvage efforts; or

(3) when the owner/operator cannot after reasonable efforts by the Director be reached within 12 hours of the vessel's condition being reported to authorities; or

b) leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

Cruise ship means a vessel with 250 or more passenger berths for hire.

Introduced species means: (1) A species (including but not limited to any of its biological matter capable of propagation) that is non-native to the ecosystems protected by the Sanctuary; or (2) any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

The Davidson Seamount Management Zone means the area bounded by geodetic lines connecting a rectangle centered on the top of the Davidson Seamount, and consists of approximately 585 square NM of ocean waters and the submerged lands thereunder. This portion of the Sanctuary is located approximately 70 NM off the coast of San Simeon in San Luis Obispo County. Exact coordinates for the DSMZ boundary are provided in Appendix F to this subpart.

Section 922.132 Prohibited or otherwise regulated activities.

(a) Except as specified in paragraphs (b) through (e) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted:

(1)

Exploring for, developing, or producing oil, gas, or minerals within the Sanctuary, except: jade may be collected (meaning removed) from the area bounded by the 35.92222 N latitude parallel (coastal reference point: beach access stairway at south Sand Dollar Beach), the 35.88889 N latitude parallel (coastal reference point: westernmost tip of Cape San Martin), and from the mean high tide line seaward to the 90-foot isobath (depth line) (the "authorized area") *provided that:*

(i) Only jade already loose from the submerged lands of the Sanctuary may be collected;

(ii) No tool may be used to collect jade except:

(A) A hand tool (as defined at 15 CFR 922.131) to maneuver or lift the jade or scratch the surface of a stone as necessary to determine if it is jade;

(B) A lift bag or multiple lift bags with a combined lift capacity of no more than two hundred pounds; or

(C) A vessel (except for motorized personal watercraft) (see paragraph (a) (7) of this section) to provide access to the authorized area;

(iii) Each person may collect only what that person individually carries; and

(iv) For any loose piece of jade that cannot be collected under paragraphs (a) (1) (ii) and (iii) of this section, any person may apply

for a permit to collect such a loose piece by following the procedures in 15 CFR 922.133.

(2)

(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter, except:

(A) Fish, fish parts, chumming materials, or bait used in or resulting from traditional fishing operations within the Sanctuary, provided that such discharge or deposit is during the conduct of traditional fishing operations within the Sanctuary;

(B) Biodegradable effluent incidental to vessel use and generated by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 U.S.C. 1322.

Vessel operators must lock all marine sanitation devices in a manner that prevents discharge of untreated sewage;

(C) Biodegradable vessel deck wash down, vessel engine cooling water, vessel generator cooling water, anchor wash, clean bilge water (meaning not containing detectable levels of harmful matter as defined), or graywater as defined by section 312 of the FWPCA that is biodegradable;

(D) Vessel engine or generator exhaust; or

(E) Dredged material deposited at disposal sites authorized by the U.S. Environmental Protection Agency (EPA) (in consultation with the U.S. Army Corps of Engineers (COE)) prior to the effective date of

Sanctuary designation (January 1, 1993), provided that the activity is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval existing on January 1, 1993. Authorized disposal sites within the Sanctuary are described in Appendix C.

(ii) Discharging or depositing from within or into the Sanctuary any material or other matter from a cruise ship except biodegradable matter from vessel engine cooling water, generator cooling water, or anchor wash.

(iii) Discharging or depositing from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except those listed in paragraphs (a) (2) (i) (A) through (D) of this section and dredged material deposited at the authorized disposal sites described in Appendix D to this subpart, provided that the dredged material disposal is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval.

(3)

Possessing, moving, removing, or injuring, or attempting to possess, move, remove, or injure, a Sanctuary historical resource. This prohibition does not apply to possession, moving, removing, or injury resulting incidentally from kelp harvesting, aquaculture, or traditional fishing operations.

(4)

Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary, except as incidental and necessary to:

- (i) Conduct traditional fishing operations;
- (ii) Anchor a vessel;
- (iii) Conduct aquaculture or kelp harvesting;
- (iv) Install an authorized navigational aid;
- (v) Conduct harbor maintenance in an area necessarily associated with a Federal Project in existence on January 1, 1993, including dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters and jetties;
- (vi) Construct, repair, replace, or rehabilitate a dock or pier; or
- (vii) Collect jade pursuant to paragraph (a) (1) of this section, provided that there is no constructing, placing, or abandoning any structure, material, or other matter on the submerged lands of the Sanctuary.

The exceptions listed in subparagraphs (a) (4) (ii) through (a) (4) (vii) of this section do not apply within the Davidson Seamount Management Zone.

(5)

Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as expressly authorized by the Marine Mammal

Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(6)

Flying motorized aircraft, except as necessary for valid law enforcement purposes, at less than 1,000 feet above any of the four zones within the Sanctuary described in Appendix B to this subpart.

(7)

Operating motorized personal watercraft within the Sanctuary except within the four designated zones and access routes within the Sanctuary described in Appendix E to this subpart.

(8)

Possessing within the Sanctuary (regardless of where taken, moved, or removed from), any marine mammal, sea turtle, or bird, except as authorized under the MMPA, ESA, MBTA, under any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(9)

Deserting a vessel aground, at anchor, or adrift in the Sanctuary.

(10)

Leaving harmful matter aboard a grounded or deserted vessel within the Sanctuary.

(11)

(i) Moving, removing, taking, collecting, catching, harvesting, disturbing, breaking, cutting, or otherwise injuring, or attempting to move, remove, take, collect, catch, harvest, disturb, break, cut, or otherwise injure, any Sanctuary resource located more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to fishing below 3000 feet within the DSMZ, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific).

(ii) Possessing any Sanctuary resource the source of which is more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to possession of fish resulting from fishing below 3000 feet within the DSMZ, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific).

(12)

Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

(13)

Attracting any white shark within the Sanctuary.

(14)

Interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

(b)

The prohibitions in paragraphs (a) (2) through (11) of this section do not apply to an activity necessary to respond to an emergency threatening life, property, or the environment.

(c)

(1)

All Department of Defense activities must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities. The prohibitions in paragraphs (a) (2) through (12) of this section do not apply to existing military activities carried out by the Department of Defense, as specifically identified in the Final Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary (NOAA, 1992). (Copies of the FEIS/MP are available from the Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940.) New

activities may be exempted from the prohibitions in paragraphs (a) (2) through (12) of this section by the Director after consultation between the Director and the Department of Defense.

(2) In the event of destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an incident, including but not limited to discharges, deposits, and groundings, caused by a Department of Defense activity, the Department of Defense, in coordination with the Director, must promptly prevent and mitigate further damage and must restore or replace the Sanctuary resource or quality in a manner approved by the Director.

(d) The prohibitions in paragraph (a) (1) of this section as it pertains to jade collection in the Sanctuary, and paragraphs (a) (2) through (11) and (a) (13) of this section, do not apply to any activity conducted under and in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.133 or a Special Use permit issued pursuant to section 310 of the Act.

(e) The prohibitions in paragraphs (a) (2) through (a) (8) of this section do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation (January 1, 1993) and issued by any Federal, State, or local authority of competent jurisdiction, provided

that the applicant complies with 15 CFR 922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities. Amendments, renewals, and extensions of authorizations in existence on the effective date of designation constitute authorizations issued after the effective date of Sanctuary designation.

(f) Notwithstanding paragraphs (d) and (e) of this section, in no event may the Director issue a National Marine Sanctuary permit under 15 CFR 922.48 and or a Special Use permit under section 310 of the Act authorizing, or otherwise approve: the exploration for, development, or production of oil, gas, or minerals within the Sanctuary, except for the collection of jade pursuant to paragraph (a)(1) of this section; the discharge of primary-treated sewage within the Sanctuary (except by certification, pursuant to 15 CFR 922.47, of valid authorizations in existence on January 1, 1993 and issued by other authorities of competent jurisdiction); or the disposal of dredged material within the Sanctuary other than at sites authorized by EPA (in consultation with COE) prior to January 1, 1993. Any purported authorizations issued by other authorities within the Sanctuary shall be invalid.

Section 922.133 Permit procedures and criteria.

(a) A person may conduct an activity prohibited by sec. 922.132(a)(1) as it pertains to jade collection in the Sanctuary and sec. 922.132(a)(2) through (11), or sec. (a)(13), if such activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms, and conditions of, a permit issued under this section and 15 CFR 922.48.

(b) The Director, at his or her sole discretion, may issue a permit, subject to terms and conditions as he or she deems appropriate, to conduct an activity prohibited by sec. 922.132(a)(1) as it pertains to jade collection in the Sanctuary and sec. 922.132(a)(2) through (11), or sec. (a)(13), if the Director finds that the activity will have at most short-term and negligible adverse effects on Sanctuary resources and qualities and:

- (1) Is research designed to further understanding of Sanctuary resources and qualities;
- (2) Will further the educational, natural, or historical value of the Sanctuary;
- (3) Will further salvage or recovery operations within or near the Sanctuary in connection with a recent air or marine casualty;
- (4) Will assist in managing the Sanctuary;
- (5) Will further salvage or recovery operations in connection with an abandoned shipwreck in the Sanctuary title to which is held by the State of California; or

(6) Will allow the removal, without the use of pneumatic, mechanical, electrical, hydraulic or explosive tools, of loose jade from the Jade Cove areas under sec. 922.132(a)(1)(iv).

(c) In deciding whether to issue a permit, the Director shall consider such factors as:

- (1) Will the activity be conducted by an applicant that is professionally qualified to conduct and complete the activity;
- (2) Will the activity be conducted by an applicant with adequate financial resources available to conduct and complete the activity;
- (3) Is the activity proposed for no longer than necessary to achieve its stated purpose;
- (4) Must the activity be conducted within the Sanctuary;
- (5) Will the activity be conducted using methods and procedures that are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;
- (6) Will the activity be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary, or cumulative effects of the activity, and the duration of such effects;

- (7) Will the activity be conducted in a manner compatible with the value of the Sanctuary as a source of recreation and as a source of educational and scientific information, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary and the duration of such effects; and
- (8) Does the reasonably expected end value of the activity to the furtherance of the Sanctuary goals and objectives outweigh any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity.

For jade collection, preference will be given for applications proposing to collect loose pieces of jade for research or educational purposes. In addition, the Director may consider such other factors as he or she deems appropriate.

(d) Applications.

- (1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940.
- (2) In addition to the information listed in 15 CFR 922.48(b), all applications must include information the Director needs to make the findings in paragraph (b) of this section and information to be considered by the Director pursuant to paragraph (c) of this section.

(e) In addition to any other terms and conditions that the Director deems appropriate, a permit issued pursuant to this section must require that the permittee agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

Section 922.134 Notification and review.

(a) [Reserved]

(b) (1) NOAA has entered into a Memorandum of Agreement (MOA) with the State of California, EPA, and the Association of Monterey Bay Area Governments regarding the Sanctuary regulations relating to water quality within State waters within the Sanctuary.

With regard to permits, the MOA encompasses:

(i) National Pollutant Discharge Elimination System (NPDES) permits issued by the State of California under section 13377 of the California Water Code; and

(ii) Waste Discharge Requirements issued by the State of California under section 13263 of the California Water Code.

(2) The MOA specifies how the process of 15 CFR 922.49 will be administered within State waters within the Sanctuary in coordination with the State permit program.

APPENDIX A TO SUBPART M OF PART 922 – MONTEREY BAY NATIONAL MARINE
SANCTUARY BOUNDARY COORDINATES [Coordinates in this appendix are

unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

Point ID Number	Latitude	Longitude
Seaward Boundary		
1	37.88163	-122.62788
2	37.66641	-122.75105
3	37.61622	-122.76937
4	37.57147	-122.80399
5	37.52988	-122.85988
6	37.50948	-122.90614
7	37.49418	-123.00770
8	37.50819	-123.09617
9	37.52001	-123.12879
10	37.45304	-123.14009
11	37.34316	-123.13170
12	37.23062	-123.10431
13	37.13021	-123.02864
14	37.06295	-122.91261
15	37.03509	-122.77639
16	36.92155	-122.80595
17	36.80632	-122.81564
18	36.69192	-122.80539

19	36.57938	-122.77416
20	36.47338	-122.72568
21	36.37242	-122.65789
22	36.27887	-122.57410
23	36.19571	-122.47699
24	36.12414	-122.36527
25	36.06864	-122.24438
26	36.02451	-122.11672
27	35.99596	-121.98232
28	35.98309	-121.84069
29	35.98157	-121.75634
30	35.92933	-121.71119
31	35.83773	-121.71922
32	35.72063	-121.71216
33	35.59497	-121.69030
34	35.55327	-121.63048
35	35.55485	-121.09803
36	37.59437	-122.52082
37	37.61367	-122.61673
38	37.76694	-122.65011
39	37.81760	-122.53048

Harbor Exclusions		
40	37.49414	-122.48483
41	37.49540	-122.48576
42	36.96082	-122.00175
43	36.96143	-122.00112
44	36.80684	-121.79145
45	36.80133	-121.79047
46	36.60837	-121.88970
47	36.60580	-121.88965

APPENDIX B TO SUBPART M OF PART 922 – ZONES WITHIN THE SANCTUARY WHERE
 OVERFLIGHTS BELOW 1000 FEET ARE PROHIBITED

The four zones are:

- (1) From mean high water out to three nautical miles (NM) between a line extending from Point Santa Cruz on a southwesterly heading of 220° and a line extending from 2.0 NM north of Pescadero Point on a southwesterly heading of 240°;
- (2) From mean high water out to three NM between a line extending from the Carmel River mouth on a westerly heading of 270 and a line extending due west along latitude 35.55488° off of Cambria;
- (3) From mean high water and within a five NM arc drawn from a center point at the end of Moss Landing Pier; and

(4) Over the waters of Elkhorn Slough east of the Highway On bridge to Elkhorn Road.

APPENDIX C TO SUBPART M OF PART 922 - DREDGED MATERIAL DISPOSAL SITES WITHIN THE SANCTUARY [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

Point ID Number	Latitude	Longitude
Santa Cruz Harbor / Twin Lakes Dredge Disposal Site		
1	36.95750	-122.00033
2	36.95750	-121.99250
3	36.95683	-121.99233
4	36.95683	-122.00050
SF-12 Dredge Disposal Site		
1	36.80206	-121.79207
2	36.80157	-121.79218
3	36.80217	-121.79325
4	36.80243	-121.79295
SF-14 Dredge Disposal Site (circle with 500 yard radius)		
1	36.77550	-122.59083
Monterey Harbor / Wharf II Dredge Disposal Site		
1	36.43630	-121.88941
2	36.60283	-121.88787

3	36.60091	-121.88826
4	36.60120	-121.88978

APPENDIX D TO SUBPART M OF PART 922 – DREDGED MATERIAL DISPOSAL SITES ADJACENT TO THE MONTEREY BAY NATIONAL MARINE SANCTUARY [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

As of January 1, 1993, the U.S. Army Corps of Engineers operates the following dredged material disposal site adjacent to the Sanctuary off of the Golden Gate:

Point ID Number	Latitude	Longitude
1	37.76458	-122.56900
2	37.74963	-122.62281
3	37.74152	-122.61932
4	37.75677	-122.56482
5	37.76458	-122.56900

APPENDIX E TO SUBPART M OF PART 922 – MOTORIZED PERSONAL WATERCRAFT ZONES AND ACCESS ROUTES WITHIN THE SANCTUARY [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

The four zones and access routes are:

(1) The approximately one [1.0] NM² area off Pillar Point Harbor from harbor launch ramps, through harbor entrance to the northern boundary of Zone One:

Point ID Number	Latitude	Longitude
1 (flashing 5-second breakwater entrance light and horn located at the seaward end of the outer west breakwater)	37.49333	-122.48500
2 (bell buoy)	37.48167	-122.48333
3	37.48000	-122.46667
4	37 29.6°	-122.46667

(2) The approximately five [5.0] NM² area off of Santa Cruz Small Craft Harbor from harbor launch ramps, through harbor entrance, and then along a 100 yard wide access route southwest along a true bearing of approximately 196° (180° magnetic) to the whistle buoy at 36.93833N, 122.01000 W.

Zone Two is bounded by:

Point ID Number	Latitude	Longitude
1	36.91667	-122.03333
2	36.91667	-121.96667

3	36.94167	-121.96667
4	36.94167	-122.03333

(3) The approximately six [6.0] NM² area off of Moss Landing Harbor from harbor launch ramps, through harbor entrance, and then along a 100 yard wide access route due west to the eastern boundary of Zone Three bounded by:

Point ID Number	Latitude	Longitude
1	36.83333°	-121.82167
2	36.83333	-121.84667
3	36.77833	-121.84667
4	36.77833	-121.81667
5 (bell buoy)	36.79833	-121.80167
6	36.81500	-121.80333

(4) The approximately five [5.0] NM² area off of Monterey Harbor from harbor launch ramps to the seaward end of the U.S. Coast Guard Pier, and then along a 100 yard wide access route due north to the southern boundary of Zone Four bounded by:

Point ID Number	Latitude	Longitude
1	36.64500	-121.92333
2	36.61500	-121.87500
3	36.63833	-121.85500
4	36.66667	-121.90667

APPENDIX F TO SUBPART M OF PART 922 – DAVIDSON SEAMOUNT MANAGEMENT
ZONE [Coordinates in this appendix are unprojected (Geographic
Coordinate System) and are calculated using the North American Datum
of 1983]

Point ID Number	Latitude	Longitude
1	35.90000	-123.00000
2	35.90000	-122.50000
3	35.50000	-122.50000
4	35.50000	-123.00000

END

Appendix G – National Marine Sanctuaries Act

16 U.S.C. 1431 ET. SEQ., as amended by Public Law 106-513

Sec. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) FINDINGS.--The Congress finds that--

(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but these efforts have been directed almost exclusively to land areas above the high-water mark;

(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities which give them special national, and in some instances, international, significance;

(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment; and

(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will--

1. improve the conservation, understanding, management, and wise and sustainable use of marine resources;

(B) enhance public awareness, understanding, and appreciation of the marine environment; and

(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.

(b) PURPOSES AND POLICIES.--The purposes and policies of this title are--

(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;

(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(8) to create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and

(9) to cooperate with global programs encouraging conservation of marine resources.

(c) ESTABLISHMENT OF SYSTEM.-There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.

Sec. 302. DEFINITIONS

As used in this title, the term--

(1) "Draft management plan" means the plan described in section 304(a)(1)(C)(v);

(2) "Magnuson-Stevens Act" means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(3) "marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law;

(4) "Secretary" means the Secretary of Commerce;

(5) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States;

(6) "damages" includes--

(A) compensation for--

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and (II) the value of the lost use of a sanctuary resource pending its restoration or replacement or the acquisition of an equivalent sanctuary resource; or

(ii) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;

(B) the cost of damage assessments under section 312(b)(2);

(C) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources;
and

(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;

(7) "response costs" means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure forfeiture, storage, or disposal arising from liability under section 312;

(8) "sanctuary resource" means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archeological, scientific, or aesthetic value of the sanctuary;

(9) "exclusive economic zone" means the exclusive economic zone as defined in the Magnuson-Stevens Act; and

(10) 'System' means the National Marine Sanctuary System established by section 301.

Sec. 303. SANCTUARY DESIGNATION STANDARDS

(a) STANDARDS.--The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that--

(1) the designation will fulfill the purposes and policies of this title;

(2) the area is of special national significance due to--

(A) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

(B) the communities of living marine resources it harbors; or

(C) its resource or human-use values;

(3) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

(4) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (3); and

(5) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING DETERMINATIONS AND FINDINGS.--

(1) Factors.--For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall consider--

(A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, maintenance of critical habitat of endangered species, and the biogeographic representation of the site;

(B) the area's historical, cultural, archaeological, or paleontological significance;

(C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

(D) the present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), (C);

(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development;

(I) the socioeconomic effects of sanctuary designation;

(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

(L) the value of the area as an addition to the System.

(2) Consultation.--In making determinations and findings, the Secretary shall consult with--

- (A) the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;
- (B) the Secretaries of State, Defense, Transportation, and the Interior, the Administrator, and the heads of other interested Federal agencies;
- (C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;
- (D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Act (16 U.S.C. 1852) that may be affected by the proposed designation; and
- (E) other interested persons.

Sec. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION

(a) SANCTUARY PROPOSAL.--

(1) Notice.--In proposing to designate a national marine sanctuary, the Secretary shall--

(A) issue, in the Federal Register, a notice of the proposal, proposed regulations that may be necessary and reasonable to implement the proposal, and a summary of the draft management plan;

(B) provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal; and

(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.

(2) Sanctuary Designation Documents.- The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) A resource assessment that documents-

(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations.

(C) A draft management plan for the proposed national marine sanctuary that includes the following:

(i) The terms of the proposed designation.

(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

(vi) The proposed regulations referred to in paragraph (1)(A).

(D) Maps depicting the boundaries of the proposed sanctuary.

(E) The basis for the determinations made under section 303(a) with respect to the area.

(F) An assessment of the considerations under section 303(b)(1).

(3) Public Hearing.--No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties.

(4) Terms of Designation.--The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

(5) Fishing Regulations.--The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall

use as guidance the national standards of section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations. The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

(6) Committee Action.--After receiving the documents under subsection (a)(1)(C), the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the documents. If within the forty-five day period of continuous session of Congress beginning on the date of submission of the documents, either Committee issues a report concerning matters addressed in the documents, the Secretary shall consider this report before publishing a notice to designate the national marine sanctuary.

(b) TAKING EFFECT OF DESIGNATIONS.--

(1) Notice.--In designating a national marine sanctuary, the Secretary shall publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this Act, or shall publish not later than such date in the Federal Register findings regarding why such notice has not been published. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(6). The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is published unless in the case of a natural [sic] marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.

(2) Withdrawal of Designation.-- If the Secretary considers that actions taken under paragraph (1) will affect the designation of a national marine sanctuary in a manner that the goals and objectives of the sanctuary or System cannot be fulfilled, the Secretary may withdraw the entire designation. If the Secretary does not withdraw the designation, only those terms of the designation or not certified under paragraph (1) shall take effect.

(3) Procedures.-- In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(6) and paragraph (1) of this subsection--

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

(c) ACCESS AND VALID RIGHTS.--

(1) Nothing in this title shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.

(2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

(d) INTERAGENCY COOPERATION.--

(1) Review of Agency Actions.--

(A) In General.--Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) Agency Statements Required.-- Subject to any regulations the Secretary may establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

(2) Secretary's Recommended Alternatives.--If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) Response to Recommendations.--The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

(4) FAILURE TO FOLLOW ALTERNATIVE.- If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.

(e) REVIEW OF MANAGEMENT PLANS.--Not more than 5 years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding 5 years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques and strategies, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title. This review shall include a prioritization of management objectives.

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.-

(1) FINDING REQUIRED.- The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that--

(A) the addition of a new sanctuary will not have a negative impact on the System; and

(B) sufficient resources were available in the fiscal year in which the finding is made to--

(i) effectively implement sanctuary management plans for each sanctuary in the System; and

(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

(2) DEADLINE- If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph 1 have been met by all existing sanctuaries.

(3) LIMITATION ON APPLICATION- Paragraph (1) does not apply to any sanctuary designation documents for--

(A) a Thunder Bay National Marine Sanctuary; or

(B) a Northwestern Hawaiian Islands National Marine Sanctuary.

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.-

(1) PRESIDENTIAL DESIGNATION.- The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.- Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall--

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) PUBLIC COMMENT- Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION- The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) REVIEW- If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) REPORT- No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

Sec. 305. APPLICATION OF REGULATIONS AND INTERNATIONAL NEGOTIATIONS

(a) REGULATIONS.--This title and the regulations issued under section 304 shall be applied in accordance with generally recognized principles of international law, and in accordance with the treaties, conventions, and other agreements to which the United States is a party. No regulation shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States, unless in accordance with--

- (1) generally recognized principles of international law;
- (2) an agreement between the United States and the foreign state of which the person is a citizen; or
- (3) an agreement between the United States and the flag state of a foreign vessel, if the person is a crewmember of the vessel.

(b) NEGOTIATIONS.--The Secretary of State, in consultation with the Secretary, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established.

(c) INTERNATIONAL COOPERATION.--The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in the furtherance of the purposes and policies of this title and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.

Sec. 306. PROHIBITED ACTIVITIES

It is unlawful for any person to--

- (1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;
- (2) possess, sell, offer for sale, purchase, import, export, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;
- (3) interfere with the enforcement of this title by--
 - (A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;
 - (B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or
 - (C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or
- (4) violate any provision of this title or any regulation or permit issued pursuant to this title.

Sec. 307. ENFORCEMENT

- (a) IN GENERAL.--The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title.
- (b) POWERS OF AUTHORIZED OFFICERS.--Any person who is authorized to enforce this title may--
 - (1) board, search, inspect, and seize any vessel suspected of being used to violate this title or any regulation or permit issued under this title and any equipment, stores, and cargo of such vessel;
 - (2) seize wherever found any sanctuary resource taken or retained in violation of this title or any regulation or permit issued under this title;
 - (3) seize any evidence of a violation of this title or of any regulation or permit issued under this title;
 - (4) execute any warrant or other process issued by any court of competent jurisdiction;
 - (5) exercise any other lawful authority; and
 - (6) arrest any person, if there is reasonable cause to believe that such a person has committed an act prohibited by section 306(3).
- (c) CRIMINAL OFFENSES--
 - (1) OFFENSES.- A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

(2) PUNISHMENT.- Any person that is guilty of an offense under this subsection--

(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

(d) CIVIL PENALTIES.--

(1) Civil penalty.--Any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title shall be liable to the United States for a civil penalty of not more than \$100,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(2) Notice.--No penalty shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

(3) In Rem Jurisdiction.--A vessel used in violating this title or any regulation or permit issued under this title shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(4) Review of Civil Penalty.--Any person against whom a civil penalty is assessed under this subsection may obtain review in the United States district court for the appropriate district by filing a complaint in such court not later than 30 days after the date of such order.

(5) Collection of Penalties.--If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(6) Compromise or Other Action by Secretary.--The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is or may be imposed under this section.

(e) FORFEITURE.--

(1) In General.--Any vessel (including the vessel's equipment, stores, and cargo) and other item used, and any sanctuary resource taken or retained, in any manner, in connection with or as a result of any violation of this title or of any regulation or permit issued under this title shall be subject to forfeiture to the United States pursuant to a civil proceeding under this subsection. The proceeds from forfeiture actions under this subsection shall constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as civil damages under section 312. None of those proceeds shall be subject to set-off.

(2) Application of the Customs Laws.--The Secretary may exercise the authority of any United States official granted by any relevant customs law relating to the seizure, forfeiture, condemnation, disposition, remission, and mitigation of property in enforcing this title.

(3) Disposal of Sanctuary Resources.--Any sanctuary resource seized pursuant to this title may be disposed of pursuant to an order of the appropriate court or, if perishable, in a manner prescribed by regulations promulgated by the Secretary. Any proceeds from the sale of such sanctuary resource shall for all purposes represent the sanctuary resource so disposed of in any subsequent legal proceedings.

(4) Presumption.--For the purposes of this section there is a rebuttable presumption that all sanctuary resources found on board a vessel that is used or seized in connection with a violation of this title or of any regulation or permit issued under this title were taken or retained in violation of this title or of a regulation or permit issued under this title.

(f) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.--

(1) Expenditures.--

(A) Notwithstanding any other law, amounts received by the United States as civil penalties, forfeitures of property, and costs imposed under paragraph (2) shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

(B) Amounts received under this section for forfeitures and costs imposed under paragraph (2) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any sanctuary resource or other property seized in connection with a violation of this title or any regulation or permit issued under this title.

(C) Amounts received under this section as civil penalties and any amounts remaining after the operation of subparagraph (B) shall be used, in order of priority, to--

(i) manage and improve the national marine sanctuary with respect to which the violation occurred that resulted in the penalty or forfeiture;

(ii) pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation or permit issued under this title; and

(iii) manage and improve any other national marine sanctuary.

(2) Liability for Costs.--Any person assessed a civil penalty for a violation of this title or of any regulation or permit issued under this title, and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any sanctuary resource or other property seized in connection with the violation.

(g) SUBPOENAS.--In the case of any hearing under this section which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

(h) USE OF RESOURCES OF STATE AND OTHER FEDERAL AGENCIES.—The Secretary shall, whenever appropriate, use by agreement the personnel, services, and facilities of State and other Federal departments, agencies, and instrumentalities, on a reimbursable or nonreimbursable basis, to carry out the Secretary's responsibilities under this section.

(i) COAST GUARD AUTHORITY NOT LIMITED.--Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

(j) INJUNCTIVE RELIEF.--If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a sanctuary resource, or that there has been actual destruction or loss of, or injury to, a sanctuary resource which may give rise to liability under section 312, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the sanctuary resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

(k) AREA OF APPLICATION AND ENFORCEABILITY.--The area of application and enforceability of this title includes the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, which is subject to the sovereignty of the United States, and the United States exclusive economic zone, consistent with international law.

(l) NATIONWIDE SERVICE OF PROCESS.- In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.

SEC. 308. REGULATIONS.

The Secretary may issue such regulations as may be necessary to carry out this title.

Sec. 309. RESEARCH, MONITORING, AND EDUCATION.

(a) IN GENERAL- The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

(b) RESEARCH AND MONITORING.-

(1) IN GENERAL.- The Secretary may--

(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

(2) AVAILABILITY OF RESULTS.- The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

(c) EDUCATION-

(1) IN GENERAL.- The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

(2) EDUCATIONAL ACTIVITIES.- Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

(d) INTERPRETIVE FACILITIES.-

(1) IN GENERAL.- The Secretary may develop interpretive facilities near any national marine sanctuary.

(2) FACILITY REQUIREMENT.- Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

(e) CONSULTATION AND COORDINATION.- In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.

Sec. 310. SPECIAL USE PERMITS

(a) ISSUANCE OF PERMITS.--The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary--

(1) to establish conditions of access to and use of any sanctuary resource; or

(2) to promote public use and understanding of a sanctuary resource.

(b) PUBLIC NOTICE REQUIRED.- The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).

(c) PERMIT TERMS.--A permit issued under this section--

(1) shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

(3) shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

(4) shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

(d) FEES.--

(1) Assessment and Collection.--The Secretary may assess and collect fees for the conduct of any activity under a permit issued under this section.

(2) Amount.--The amount of a fee under this subsection shall be equal to the sum of--

(A) costs incurred, or expected to be incurred, by the Secretary in issuing the permit;

(B) costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

(C) an amount which represents the fair market value of the use of the sanctuary resource.

(3) Use of Fees.--Amounts collected by the Secretary in the form of fees under this section may be used by the Secretary--

(A) for issuing and administering permits under this section; and

(B) for expenses of managing national marine sanctuaries.

(4) WAIVER OR REDUCTION OF FEES.- The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive a profit from the access to or use of sanctuary resources.

(e) VIOLATIONS.--Upon violation of a term or condition of a permit issued under this section, the Secretary may--

(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

(2) assess a civil penalty in accordance with section 307; or

(3) both.

(f) REPORTS.--Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

(g) FISHING.--Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary.

Sec. 311. COOPERATIVE AGREEMENTS, DONATIONS, AND ACQUISITIONS

- (a) AGREEMENTS AND GRANTS- The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.
- (b) AUTHORIZATION TO SOLICIT DONATIONS.--The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.
- (c) DONATIONS.--The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.
- (d) ACQUISITIONS.--The Secretary may acquire by purchase, lease, or exchange, any land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this title
- (e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.- The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.
- (f) AUTHORITY TO OBTAIN GRANTS.- Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.

Sec. 312. DESTRUCTION OR LOSS OF, OR INJURY TO,

SANCTUARY RESOURCES

(a) LIABILITY FOR INTEREST.--

(1) Liability to UNITED STATES.--Any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for an amount equal to the sum of--

(A) the amount of response costs and damages resulting from the destruction, loss, or injury; and

(B) interests on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990.

(2) Liability In Rem.--Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury. The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(3) Defenses.--A person is not liable under this subsection if that person establishes that--

(A) the destruction or loss of, or injury to, the sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;

(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

(C) the destruction, loss, or injury was negligible.

(4) Limits to Liability.-- Nothing in sections 4281-4289 of the Revised Statutes of the United States or section 3 of the Act of February 13, 1893, shall limit the liability of any person under this title.

(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.-

(1) Response Actions.--The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) Damage Assessment.--The Secretary shall assess damages to sanctuary resources in accordance with section 302(6).

(c) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—

(1) The Attorney General, upon request of the Secretary, may commence a civil action against any person or vessel who may be liable under subsection (a) for response costs and damages. The Secretary, acting as trustee for sanctuary resources for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

(2) An action under this subsection may be brought in the United States district court for any district in which-

(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

(B) the vessel is located, in the case of an action against a vessel; or

(C) the destruction of, loss of, or injury to a sanctuary resource occurred.

(d) USE OF RECOVERED AMOUNTS.--Response costs and damages recovered by the Secretary under this section shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9607(f)(1)), and used as follows:

(1) RESPONSE COSTS.- Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate--

(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

(2) OTHER AMOUNTS.- All other amounts recovered shall be used, in order of priority--

(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

(C) to restore degraded sanctuary resources of other national marine sanctuaries.

(3) Federal-State Coordination.--Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State shall be used under paragraphs (2)(A) and (B) in accordance with the court decree or settlement agreement and an agreement entered into by the Secretary and the Governor of that State.

(e) STATUTE OF LIMITATIONS- An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary--

(1) to carry out this title--

(A) \$32,000,000 for fiscal year 2001;

(B) \$34,000,000 for fiscal year 2002;

(C) \$36,000,000 for fiscal year 2003;

(D) \$38,000,000 for fiscal year 2004;

(E) \$40,000,000 for fiscal year 2005; and

(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

Sec. 314. U.S.S. MONITOR ARTIFACTS AND MATERIALS

(a) CONGRESSIONAL POLICY. -- In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina. [P.L. 102-587 authorized a grant for the acquisition of space in Hatteras Village, NC, for display of artifacts and administration and operations of the Monitor National Marine Sanctuary.

(b) **DISCLAIMER.** --This section shall not affect the following:

(1) **Responsibilities Of Secretary.**--The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

(2) **Authority Of Secretary.**--The authority of the Secretary to designate the Mariner's Museum, located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1).

Sec. 315. ADVISORY COUNCILS

(a) **ESTABLISHMENT.**--The Secretary may establish one or more advisory councils (in this section referred to as an 'Advisory Council') to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

(b) **MEMBERSHIP.**--Members of the Advisory Councils may be appointed from among--

(1) persons employed by Federal or State agencies with expertise in management of natural resources;

(2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Act; and

(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

(c) **LIMITS ON MEMBERSHIP.**--For sanctuaries designated after the date of enactment of the National Marine Sanctuaries Program Amendments Act of 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

(d) **STAFFING AND ASSISTANCE.**--The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

(e) **PUBLIC PARTICIPATION AND PROCEDURAL MATTERS.**--The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

(1) Each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda.

(2) Emergency meetings may be held at the call of the chairman or presiding officer.

(3) Timely notice of each meeting, including the time, place, and agenda of the meeting, shall be published locally and in the Federal Register, except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register.

(4) Minutes of each meeting shall be kept and contain a summary of the attendees and matters discussed.

Sec. 316. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES

(a) **AUTHORITY.**-- The Secretary may establish a program consisting of--

(1) the creation, adoption, and publication in the Federal Register by the Secretary of a symbol for the national marine sanctuary program, or for individual national marine sanctuaries or the System;

(2) the solicitation of persons to be designated as official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(3) the designation of persons by the Secretary as official sponsors of the national marine sanctuary program or of individual sanctuaries;

(4) the authorization by the Secretary of the manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol, by official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(5) the creation, marketing, and selling of products to promote the national marine sanctuary program, and entering into exclusive or nonexclusive agreements authorizing entities to create, market or sell on the Secretary's behalf;

(6) the solicitation and collection by the Secretary of monetary or in-kind contributions from official sponsors for the manufacture, reproduction or use of the symbols published under paragraph (1);

(7) the retention of any monetary or in-kind contributions collected under paragraphs (5) and (6) by the Secretary; and

(8) the expenditure and use of any monetary and in-kind contributions, without appropriation, by the Secretary to designate and manage national marine sanctuaries.

Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual national marine sanctuary shall be used to support that sanctuary.

(b) **CONTRACT AUTHORITY.**-- The Secretary may contract with any person for the creation of symbols or the solicitation of official sponsors under subsection (a).

(c) **RESTRICTIONS.**-- The Secretary may restrict the use of the symbols published under subsection (a), and the designation of official sponsors of the national marine sanctuary program or of individual national marine sanctuaries to ensure compatibility with the goals of the national marine sanctuary program.

(d) **PROPERTY OF UNITED STATES.**-- Any symbol which is adopted by the Secretary and published in the Federal Register under subsection (a) is deemed to be the property of the United States.

(e) **PROHIBITED ACTIVITIES.**-- It is unlawful for any person--

(1) designated as an official sponsor to influence or seek to influence any decision by the Secretary or any other Federal official related to the designation or management of a national marine sanctuary, except to the extent that a person who is not so designated may do so;

(2) to represent himself or herself to be an official sponsor absent a designation by the Secretary;
(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or

(4) to violate any regulation promulgated by the Secretary under this section.

(f) COLLABORATIONS- The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.-

(1) IN GENERAL.- The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.- Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

(3) PARTNER ORGANIZATION DEFINED.- In this subsection, the term 'partner organization' means an organization that--

(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.

SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.- The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

(b) PURPOSES- The purposes of the Dr. Nancy Foster Scholarship Program are--

(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups ; and

(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

(c) AWARD.- Each Dr. Nancy Foster Scholarship--

(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

(2) shall be awarded in accordance with guidelines issued by the Secretary.

(d) DISTRIBUTION OF FUNDS.- The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

(e) FUNDING- Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

(f) SCHOLARSHIP REPAYMENT REQUIREMENT- The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

(g) MARITIME ARCHEOLOGY DEFINED- In this section the term `maritime archeology' includes the curation, preservation, and display of maritime artifacts.

Appendix H – List of Acronyms

ACCEO	Alliance for California Current Ecosystem Observation
ACP	Area Contingency Plan (USCG)
ACT	Alliance for Coastal Technologies
ADA.....	Americans with Disabilities Act
Alliance	Alliance of Communities for Sustainable Fisheries
AMBAG	Association of Monterey Bay Area Governments
AOP	Annual Operating Plan
APPS.....	U.S. Act to Prevent Pollution from Ships
ATOC	Acoustic Thermometry of Ocean Climate
AWA.....	American Watercraft Association
AWQA.....	Agricultural Water Quality Alliance
BAH.....	Booz Allen Hamilton
BASK	Bay Area Sea Kayakers
BBC	British Broadcasting Corporation
BC.....	British Columbia
Beach COMBERS	Beach Coastal Ocean/Marine Bird Education Research Surveys
BLM.....	Bureau of Land Management
BML.....	Bodega Marine Laboratory
BMP(s)	Best Management Practices
BTAP	MBNMS Business and Tourism Activity Panel
BWQW	Beach Water Quality Workgroup (SWRQCB)
Cal EPA.....	California Environmental Protection Agency
CalCOFI	California Cooperative Oceanic Fisheries Investigations
CalTrans	California Department of Transportation
CAMP.....	Campaign Against Marijuana Planting
CBNMS	Cordell Bank National Marine Sanctuary
CBSOA.....	California Boating Safety Officers Association
CCAMLR.....	Commission for the Conservation of Antarctic Marine Living Resources
CCAMP	Central Coast Ambient Monitoring Program
CCC	California Coastal Commission
CCJDC.....	Central Coast Joint Data Committee
CCLEAN	Central Coast Long-term Environmental Assessment Network
CCR	California Code of Regulations
CCRWQBC.....	Central Coast Regional Water Quality Control Board
CDBW	California Department of Boating and Waterways
CDF	California Department of Forestry
CDFG	California Department of Fish and Game
CDPR.....	California Department of Parks and Recreation

CeNCOOS	Central California Ocean Observing System
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CHP	California Highway Patrol
CIMT	Center for Integrated Marine Technology
CINMS	Channel Islands National Marine Sanctuary
CMAR	Coastal Maritime Archaeology Resources
COASST	Coastal Observation And Seabird Survey Team
CODAR	Coastal Ocean Dynamics Applications Radar
COE	U.S. Army Corps. Of Engineers
CSLC	California State Lands Commission
CSUMB	California State University, Monterey Bay
CWA	U.S. Clean Water Act
CWC	Coastal Watershed Council
CWG	Conservation Working Group
CWG	MBNMS Conservation Working Group
CZMA	Coastal Zone Management Act
DDT	Dichlorodiphenyltrichloroethane
DDT	Dichlorodiphenyltrichloroethane
DEIS	Draft Environmental Impact Statement
DOC	United States Department of Commerce
DOI	United States Department of the Interior
DPR	California Department of Parks and Recreation
EEZ	U.S. Exclusive Economic Zone
EFH	Essential Fish Habitat
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ERP	External Monitoring Review Panel
ESA	Endangered Species Act
ESNERR	Elkhorn Slough National Estuarine Research Reserve
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEIS/MP	Final Environmental Impact Statement and Management Plan
FES	Friends of the Elephant Seal
FKNMS	Florida Keys National Marine Sanctuary
FMA	Fishermen’s Marketing Association
FMSA	Farallones Marine Sanctuary Association
FSO	Friends of the Sea Otter
FWCPA	Federal Water Pollution Control Act
GFNMS	Gulf of the Farallones National Marine Sanctuary

GGNRA.....	Golden Gate National Recreation Area
GIS.....	Geographic Information Systems
GLOBE.....	Global Learning and Observation to Benefit the Environment
GPS.....	Global Positioning System
GS.....	Government Service
GSA.....	General Services Administration
HAZMAT.....	Hazardous Materials (NOAA)
HDD.....	Horizontal Directional Drilling
HIHWNMS.....	Hawaiian Islands Humpback Whale National Marine Sanctuary
HMBFMA.....	Half Moon Bay Fisherman’s Marketing Association
HSI.....	Hispanic Serving Institution
ICCL.....	The International Council of Cruise Lines
ICS.....	Incident Command System
IFQ.....	Individual Fishing Quota
IOOS.....	Integrated Ocean Observing Systems
ITQ.....	Individual Transferable Quota
JASON.....	JASON Foundation for Education
JMPR.....	Joint Management Plan Review
JRAP.....	Joint Research Advisory Panel
JRB.....	Joint Review Board
LABs.....	Long-chain Alkylbenzenes
LCP.....	Local Coastal Program
LiMPETS.....	Long-term Monitoring Program and Experiential Training for Students
LML.....	Long Marine Lab
LPNF.....	Los Padres National Forest
MAC.....	Maritime Archaeology Center (NOAA)
MAR.....	Multiple Antibiotic Resistance
MARINE.....	Multi-Agency Rocky Intertidal Network
MARPOL.....	The International Convention for the Prevention of Pollution from Ships
MATE.....	Marine Advanced Technology Education (Center)
MBA.....	Monterey Bay Aquarium
MBARI.....	Monterey Bay Aquarium Research Institute
MBNMS.....	Monterey Bay National Marine Sanctuary
MBSF.....	Monterey Bay Sanctuary Foundation
MBTA.....	Migratory Bird Treaty Act
MERITO.....	Multicultural Education for Resource Issues Threatening Oceans
MGD.....	Million Gallons per Day
MHR.....	Maritime Heritage Resources
MHW.....	Mean High Water
MHWL.....	Mean High Water Line
MIIS.....	Monterey Institute of International Studies
MISO.....	Monterey Inter-Shelf Observatory

MLML	Moss Landing Marine Laboratories
MLPA	Marine Life Protection Act
MMPA	Marine Mammal Protection Act
MMS	Minerals Management Service
MMUG	Marine Mapping User Group
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPA	Marine Protected Area
MPN	Most Probable Number
MPWC	Motorized Personal Watercraft
MRWPCA	Monterey Regional Water Pollution Control Agency
MS4	Municipal Separate Storm Sewer Systems
MSD	Marine Sanitation Device
MSFCMA	Magnuson Stevens Fishery Conservation and Management Act
MSI	Environmental Entrepreneurship Program/Minority Serving Institution (NOAA)
MURP	Model Urban Runoff Program
NANPCA	Nonindigenous Aquatic Nuisance Prevention and Control Act
NAS	Nautical Archaeology Society
NASA	National Aeronautics and Space Administration
NAUI	National Association of Underwater Instructors
NCCOS	The National Centers for Coastal Ocean Science
NCDDC	National Coastal Data Development Center (NOAA)
NDBC	National Data Buoy Center
NEPA	National Environmental Policy Act
NERRS	National Estuarine Research Reserve System (NOAA)
NESDIS	National Environmental Satellite Data Information Service (NOAA)
NGO	Non-governmental organization
NHPA	National Historic Preservation Act
NHU	National Hispanic University
NISA	National Invasive Species Act of 1996
NM	Nautical Mile
NMA	Northern Management Area
NMFS	National Marine Fisheries Service
NMSA	National Marine Sanctuaries Act
NMSF	National Marine Sanctuary Foundation
NMSP	National Marine Sanctuary Program
NOAA OLE	NOAA’s Office of Law Enforcement
NOAA	National Oceanic and Atmospheric Administration
NODC	National Oceanographic Data Center
NOS	National Ocean Service
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service

NPS	Naval Postgraduate School
NPS	Naval Postgraduate School
NPS	Non Point Source Pollution
NRCS	National Resources Conservation Service
NTIA	National Telecommunications and Information Administration
NURP	National Undersea Research Program (NOAA)
NWHICRER	Northwest Hawaiian Islands Coral Reef Ecosystem Reserve
OCNMS	Olympic Coast National Marine Sanctuary
OCRM	Office of Coastal Resource Management (NOAA)
OES	Office of Emergency Services
OSPR	(Office of) Oil Spill Prevention and Response (CDFG)
OT	Ocean Thunder
PADI	Professional Association of Diving Instructors
PCB	Polychlorinated biphenyls
PCFFA	Pacific Coast Federation of Fishermen’s Associations
PCR	Polymerase Chain Reactivity
PFEL	Pacific Fisheries Environmental Laboratory
PFMC	Pacific Fishery Management Council
PISCO	Partnership for Interdisciplinary Studies of Coastal Oceans
PMCC	Pacific Marine Conservation Council
PPT	Parts Per Thousand
PRBO	Point Reyes Bird Observatory
PSA	Public Service Announcement
PSMFC	Pacific States Marine Fisheries Commission
PVC	Polyvinyl Chloride
PWIA	Personal Watercraft Industry Association
QA	Quality Assurance
QC	Quality Control
RAP	Research Activity Panel
RBOC	Recreational Boaters of California
RCRA	U.S. Resource Conservation and Recovery Act
RFP	Request for Proposal
RO	Reverse Osmosis
ROV	Remotely Operated Vehicle
RUST	Resources and Under Sea Threats (NMSP database system)
RWQCB	Regional Water Quality Control Board
SAC	Sanctuary Advisory Council
SAFE	Stock Assessment and Fishery Evaluation
SBNMS	Stellwagen Bank National Marine Sanctuary
SCCWRP	Southern California Coastal Water Research Project
SCRP	Submerged Cultures Resource Program (NMSP)
SCWMN	Sanctuary Citizen Watershed Monitoring Network

Sea Grant	University of California Sea Grant
SEA	Surfer's Environmental Alliance
SEALS	Sanctuary Education Awareness and Long-term Stewardship
SEP	MBNMS Sanctuary Education Panel
SF	Sanctuary Foundation
SFBRWQCB	San Francisco Bay Regional Water Quality Control Board
SFSU	San Francisco State University
SHIELDS	Sanctuaries Hazardous Incident Emergency Logistics Database System
SHPO	California State Historic Preservation Office
SIMoN	Sanctuary Integrated Monitoring Network
SLUGS	Santa Lucia Gradient Studies
SMCNHA	San Mateo Coast Natural History Association
SNAPSHOT	Snapshot Water Quality Monitoring Event
SOS	Save Our Shores
SRP	Shipwreck Reconnaissance Program (CINMS)
SST	Sea Surface Temperature
SWiM	System Wide Monitoring Program (NMSP)
SWRCB	State Water Resources Control Board
TAMC	Transportation Agency for Monterey County
Team OCEAN	Team Ocean Conservation Education Action Network
TMDL	Total Maximum Daily Loads
UCCE	University of California Cooperative Extension
UCSB	University of California Santa Barbara
UCSC	University of California Santa Cruz
USACE	U.S. Army Corps of Engineers
USCG	United States Coast Guard
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WASC	Western Administrative Support Center (NOAA)
WDR	Waste Discharge Requirements
WERF	Water Environmental Research Foundation
WQC	Water Quality Council
WQPP	Water Quality Protection Program (MBNMS)
WRP	Western Regional Panel on Aquatic Nuisance Species
WWF	World Wildlife Fund